

25

OIP

From: Oprison, Christopher G. [Christopher_G._Oprison@who.eop.gov]
Sent: Friday, February 23, 2007 5:22 PM
To: Sampson, Kyle
Subject: RE: Version 2 of Reid Letter re Cummins-Griffin
Attachments: reid letter re cummins-griffin v 3 (2).doc

Kyle - attached is a version with slight revisions. Fred, as I, want to ensure that it is absolutely consistent with the facts and that it does not add to the controversy surrounding this issue.

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, February 23, 2007 2:59 PM
To: Oprison, Christopher G.
Subject: RE: Version 2 of Reid Letter re Cummins-Griffin
Importance: High

Chris, please review this version 3.

<<reid letter re cummins-griffin v.3.doc>>

From: Sampson, Kyle
Sent: Friday, February 23, 2007 2:56 PM
To: 'Oprison, Christopher G.'
Subject: Version 2 of Reid Letter re Cummins-Griffin
Importance: High

Chris, please review and (hopefully) clear at your earliest. Thanks!

<< File: reid letter re cummins-griffin v.2.doc >>

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.
(202) 305-5289 cell
kyle.sampson@usdoj.gov

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Reid:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

As an initial matter, the Department agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle. Your letter, however, contains assumptions and assertions that are simply erroneous.

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First, your letter truncates the actual quote of the Attorney General's testimony at the Judiciary Committee hearing on January 18, 2007 and consequently, mischaracterizes the statement. In full, the Attorney General stated: "I think I would never, ever make a change in a United States attorney for political reasons or if it would in any way jeopardize an ongoing serious investigation. I just would not do it" (emphasis added). The Department of Justice rejects any suggestion that U.S. Attorneys were asked or encouraged to resign for the inappropriate "political reason" of interfering with any public corruption case or retaliating against a U.S. Attorney who oversaw such a case.

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Second, your letter mischaracterizes the testimony of the Deputy Attorney General taken at the hearing held on February 6, 2007. The Deputy Attorney General simply stated the Department's view that asking U.S. Attorney Bud Cummins to resign so that Special Assistant U.S. Attorney Tim Griffin might have the opportunity to serve as U.S. Attorney is not an inappropriate "political reason." This is so, the Deputy Attorney General testified, because, *inter alia*, Mr. Griffin is very well-qualified to serve as U.S. Attorney, and Mr. Cummins "may have already been thinking about leaving at some point anyway."

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Indeed, at the time Mr. Griffin was appointed interim U.S. Attorney in December 2006 he had far more federal prosecution experience (in the Criminal Division and in the U.S. Attorney's office) than Mr. Cummins did at the time he was appointed U.S. Attorney in January 2002. Mr. Cummins himself credits Mr. Griffin with the establishment of the office's successful gun crime prosecution initiative. And Mr. Griffin

has substantial military prosecution experience that Mr. Cummins does not have. Those who know Mr. Griffin must concede that he brings a style of leadership and level of energy that could only enhance the success of a U.S. Attorney's office. Moreover, it was well-known, as early as December 2004, that Mr. Cummins intended to leave the office and seek employment in the private sector. See "The Insider Dec. 30," Ark Times (Dec. 30, 2004) ("Cummins, 45, said that, with four children to put through college someday, he'll likely begin exploring career options. It wouldn't be 'shocking,' he said, for there to be a change in his office before the end of Bush's second term."). Finally, the Deputy Attorney General did not state or imply that Mr. Griffin would be appointed as the U.S. Attorney without Senate confirmation. Such a statement would be inconsistent with the Department's stated position that it would strive to have each vacancy filled by a Senate-confirmed U.S. Attorney.

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Third, the Department does not consider the replacement of one Republican U.S. Attorney by another Republican lawyer who is well-qualified and has extensive experience as a prosecutor and strong ties to the district to be a change made for "political reasons." Mr. Cummins was confirmed to serve a four-year term, which expired on January 9, 2006. He served his entire term, plus an additional year. As you know, U.S. Attorneys serve at the pleasure of the President. That has always been the rule, and U.S. Attorneys accept their appointment with full understanding that they may serve the full term or in excess of the full term, but that at any time they could be removed by the President.

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Regarding specific questions raised in your letter, we respond as follows:

- Although the decision to have Mr. Griffin replace Mr. Cummins was first contemplated in the spring or summer of 2006, the final decision to appoint Mr. Griffin to be interim U.S. Attorney in the Eastern District of Arkansas was made on or about December 15, 2006, after a series of conversations between the Attorney General and Senator Pryor.

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- The Department of Justice is not aware of anyone lobbying for Mr. Griffin's appointment. But, consistent with longstanding practice in this Administration, the question of whether Mr. Griffin (who then was on active military duty in Iraq) might be considered for appointment as U.S. Attorney upon his return was addressed by the Department of Justice and the White House.
- Mr. Cummins' continued service as U.S. Attorney was first considered after the Department learned of Mr. Cummins' stated interest in possibly resigning for a position in the private sector. As the Deputy Attorney General testified, this commenced well prior to considering the other U.S. Attorneys to resign for reasons related to their performance and was instead "related to the opportunity to provide a fresh start with a new person in that position." Also, a general matter, it is often preferable, to the extent practicable, to appoint a permanent replacement who has experience with and familiarity of the workings of the particular office, as Mr. Griffin did.

- The Department is not aware of Karl Rove playing a role in the decision to appoint Mr. Griffin as either on an interim or permanent basis.

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In conclusion, the Department wholeheartedly agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle.¶

We appreciate the opportunity to respond to your inquiry.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Mitch McConnell
The Honorable Arlen Specter

OAG000001133



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 23, 2007

The Honorable Charles E. Schumer
United States Senate
Washington, D.C. 20510

Dear Senator Schumer:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

As an initial matter, the Department agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle. Your letter, however, contains assumptions and assertions that are simply erroneous.

First, your letter truncates the actual quote of the Attorney General's testimony at the Judiciary Committee hearing on January 18, 2007, and consequently, mischaracterizes the statement. In full, the Attorney General stated: "I think I would never, ever make a change in a United States attorney for political reasons or *if it would in any way jeopardize an ongoing serious investigation. I just would not do it*" (emphasis added). The Department of Justice rejects any suggestion that U.S. Attorneys were asked or encouraged to resign for the inappropriate "political reason" of interfering with any public corruption case or retaliating against a U.S. Attorney who oversaw such a case.

Second, your letter mischaracterizes the testimony of the Deputy Attorney General given at the hearing held on February 6, 2007. The Deputy Attorney General simply stated the Department's view that asking U.S. Attorney Bud Cummins to resign so that Special Assistant U.S. Attorney Tim Griffin might have the opportunity to serve as U.S. Attorney is not an inappropriate "political reason." This is so, the Deputy Attorney General testified, because, *inter alia*, Mr. Griffin is very well-qualified to serve as U.S. Attorney, and Mr. Cummins "may have already been thinking about leaving at some point anyway."

OLA000000276

Indeed, at the time Mr. Griffin was appointed interim U.S. Attorney in December 2006 he had far more federal prosecution experience (in the Criminal Division and in the U.S. Attorney's office) than Mr. Cummins did at the time he was appointed U.S. Attorney in January 2002. Mr. Cummins himself credits Mr. Griffin with the establishment of that office's successful gun-crime prosecution initiative. And Mr. Griffin has substantial military prosecution experience that Mr. Cummins does not have. Those who know Mr. Griffin must concede that he brings a style of leadership and level of energy that could only enhance the success of a U.S. Attorney's office. Moreover, it was well-known, as early as December 2004, that Mr. Cummins intended to leave the office and seek employment in the private sector. See "The Insider Dec. 30," *Ark. Times* (Dec. 30, 2004) ("Cummins, 45, said that, with four children to put through college someday, he'll likely begin exploring career options. It wouldn't be 'shocking,' he said, for there to be a change in his office before the end of Bush's second term."). Finally, the Deputy Attorney General did not state or imply that Mr. Griffin would be appointed as the U.S. Attorney without Senate confirmation. Such a statement would be inconsistent with the Department's stated position that we are committed to having a Senate-confirmed U.S. Attorney in all 94 federal districts.

Third, the Department does not consider the replacement of one Republican U.S. Attorney by another Republican lawyer who is well-qualified and has extensive experience as a prosecutor and strong ties to the district to be a change made for "political reasons." Mr. Cummins was confirmed to serve a four-year term, which expired on January 9, 2006. He served his entire term, plus an additional year. United States Attorneys serve at the pleasure of the President; that has always been the rule, and U.S. Attorneys accept their appointment with that understanding.

In answer to your specific questions:

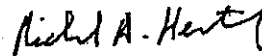
- Although the decision to have Mr. Griffin replace Mr. Cummins was first contemplated in the spring or summer of 2006, the final decision to appoint Mr. Griffin to be interim U.S. Attorney in the Eastern District of Arkansas was made on or about December 15, 2006, after the Attorney General had spoken with Senator Pryor.
- The Department of Justice is not aware of anyone lobbying for Mr. Griffin's appointment. Consistent with longstanding Administration practice, the decision regarding whether Mr. Griffin (who then was on active military duty) might be considered for appointment as U.S. Attorney upon his return from Iraq was discussed and made jointly by the Department of Justice and the White House.

The Honorable Charles E. Schumer
Page Three

- As the Deputy Attorney General testified, Mr. Cummins's continued service as U.S. Attorney was not considered at the same time as the other U.S. Attorneys that the Deputy Attorney General acknowledged were asked to resign for reasons related to their performance. As the Deputy Attorney General testified, the request that Mr. Cummins resign was "related to the opportunity to provide a fresh start with a new person in that position."
- The Department is not aware of Karl Rove playing any role in the decision to appoint Mr. Griffin.

We appreciate the opportunity to respond to your inquiry.

Sincerely,



Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Mitch McConnell
The Honorable Arlen Specter

OLA000000278

26

From: Tim Griffin [tg@gwb43.com]
Sent: Monday, May 02, 2005 1:43 PM
To: Fahrenkopf, Leslie
Subject: FW: NM US ATTORNEY
Importance: High

Fyi as discussed

From: Scott Jennings
Sent: Monday, May 02, 2005 12:29 PM
To: Tim Griffin
Subject: NM US ATTORNEY
Importance: High

FG—here is the info you wanted on David Iglesias, the NM US Attorney. Please let me know what else I can do to move this process forward. Is it too early to formulate a list of extremely capable replacements? There are several I know personally and can recommend—jsj

In the fall of 2004, Bernalillo County Sheriff Darren White turned over suspected fraudulent voter registration forms, including one for a 13 year old boy and his 15 year old neighbor. Additionally, the Bernalillo County Clerk turned over hundreds of additional forms suspected of being forgeries. Republican attorneys Pat Rogers and Mickey Barnett later turned over scores more.

Most of these suspicious forms bore the names of the registrars. Moreover, the group responsible for some of the more egregious forgeries, ACORN, admitted in the press to submitting them.

In a discussion with GOP attorneys, U.S. Attorney David Iglesias claimed he was told by "DC leadership" not to prosecute. Against the urging of Republicans, Iglesias formed a task force and named Secretary of State Rebecca Vigil-Giron to it. Vigil-Giron, a partisan Democrat, had repeatedly stated to the press that voter fraud only exists in the imaginations of Republicans. The creation of a bogus task force took much of the steam out of the movement to get to the bottom of the voter fraud issue. Unsurprisingly, the task force announced it would take no action until after the election and gave a green light for the 527 groups to continue their unscrupulous activities.

During the provisional vote qualifying process post-election, hundreds of incidents involving double-voting, voting in the place of another, and other voter fraud incidents were documented and turned over to the task force. The task force also publicly stated that it received hundreds of additional complaints directly from the public.

Unfortunately, even after the election, Iglesias announced that the task force was being disbanded and there would be no prosecutions.

It continues to be the opinions of the County Sheriff and GOP lawyers that numerous cases of voter fraud can be made and are highly prosecutable. The director of the Bernalillo County Clerk's office has also privately conveyed his dismay with the lack of interest from the US Attorney's office in pursuing these cases.

27

From: Miers, Harriet
Sent: Thursday, June 09, 2005 4:19 PM
To: Fahrenkopf, Leslie
Subject: RE:

I believe the decision is to let his 4 years run and then appoint someone else if this is the right case.

From: Fahrenkopf, Leslie
Sent: Thursday, June 09, 2005 3:44 PM
To: Miers, Harriet
Subject: FW:

Harriet:

Just wanted to follow up on this item to see if you wanted to take any action. You'll recall that this is the individual who is ruffling some feathers in NM.

Thanks -
Leslie

-----Original Message-----

From: Fahrenkopf, Leslie
Sent: Thursday, May 12, 2005 11:30 AM
To: Miers, Harriet
Subject: act:

Harriet:

Per our conversation last week regarding the U.S. Attorney for New Mexico, David Iglesias, I double-checked the dates of his confirmation and appointment. He was confirmed October 11, 2001 and appointed by the President on October 16, 2001. You also asked me to remind you to check the "chart" grading U.S. attorneys on their performance.

Thanks -
LAF

28

. rom: Tim Griffin [tg@gwb43.com]
Sent: Tuesday, June 28, 2005 11:47 AM
To: Fahrenkopf, Leslie
Subject: RE: Nm us atty

That is fine. Thank you leslie. I appreciate it. TG

-----Original Message-----

From: Fahrenkopf, Leslie [mailto:Leslie_Fahrenkopf@who.eop.gov]
Sent: Tuesday, June 28, 2005 11:46 AM
To: Tim Griffin
Subject: RE: Nm us atty

He is on my radar screen. I raised it with Harriet a few weeks ago and she would like to wait until his term is up in October 2005. If you think it merits another conversation with her, let me know.

-----Original Message-----

From: Tim Griffin [mailto:tg@gwb43.com]
Sent: Tuesday, June 28, 2005 11:36 AM
To: Fahrenkopf, Leslie
Subject: FW: Nm us atty

Is the NM US Attorney even on your radar screen? I think we discussed performance at some point. See below. Thanks, TG

-----Original Message-----

From: Tim Griffin
Sent: Tuesday, June 28, 2005 11:39 AM
To: Scott Jennings
Subject: RE: Nm us atty

I hear you. It may not be that easy though. The president has to want to get rid of him. I will ask counsel's office to see if it is even in contemplation.

-----Original Message-----

From: Scott Jennings
Sent: Tuesday, June 28, 2005 11:34 AM
To: Tim Griffin
Subject: Nm us atty

I would really like to move forward with getting rid of NM USATTY. I was with CODEL this morning and they are really angry over his lack of action on voter fraud stuff. Iglesias has done nothing. We are getting killed out there.

J. Scott Jennings
Associate Director
White House Office of Political Affairs
sjennings@gwb43.com

29

From: Karl Rove
Sent: Tuesday, August 09, 2005 5:05 PM
To: Tim Griffin
Subject: Re: US Atty - NM

Talk to the counsel's office.

-----Original Message-----

From: Tim Griffin <tg@gwb43.com>
To: Karl Rove <KR@georgewbush.com>; Sara Taylor <st@gwb43.com>
CC: Scott Jennings <SJennings@gwb43.com>
Sent: Tue Aug 09 16:49:24 2005
Subject: RE: US Atty - NM

I have discussed this issue with the counsel's office. I will raise with them again. Last time I spoke with them they were aware of the issue and they were seemed to be considering a change on their own. I will mention again unless I am instructed otherwise. Thanks, TG

From: Allen Weh
Sent: Tuesday, August 09, 2005 4:46 PM
To: Scott Jennings
Cc: Karl Rove; Sara Taylor; Tim Griffin; Bell, Steve (Domenici)
Subject: US Atty - NM

We discussed the need to replace the US Atty in NM several months ago. The brief on Voter Fraud at the RNC meeting last week reminded me of how important this post is to this issue, and prompted this follow up. As you are aware the incumbent, David Iglesias, has failed miserably in his duty to prosecute voter fraud. To be perfectly candid, he was "missing in action" during the last election, just as he was in the 2002 election cycle.

I am advised his term expires, or is renewed, in October. It is respectfully requested that strong consideration be given to replacing him at this point.

We are only one of two states thus far to create a HAVA director on the state GOP staff, and winning the Secretary of State and AG offices next year are at the top of our priorities. If we can get a new US Atty that takes voter fraud seriously, combined with these other initiatives we'll make some real progress in cleaning up a state notorious for crooked elections.

Allen

30

From: Karl Rove [KR@georgewbush.com]
Sent: Monday, October 02, 2006 8:51 PM
To: Miers, Harriet
Subject: Fw: Possible corruption in building of jail, courts is new focus

Domenici is calling me about the USA for New Mexico

-----Original Message-----

From: Mickey Barnett

To: Karl Rove

CC: pjrc

; Scott Jennings; Steve Bell

Sent: Mon Oct 02 20:45:36 2006

Subject: Possible corruption in building of jail, courts is new focus

Karl

This article confirms what I mentioned Saturday. An FBI agent told me more than six months ago that their investigation was done and been turned over to the U.S. Attorney a long time ago. He said agents were totally frustrated with some even trying to get out of New Mexico. I can put you or anyone you designate with lawyers knowledgeable about the US Atty office--including lawyers in the office--that will show how poorly it is being run.

Scott Jennings was kind enough to set up an appointment at the Justice Department several months ago where Pat Rogers and I laid all this out. I hope Justice can now be persuaded to send out some cracker jack prosecutor and perhaps promote Iglesias to a Justice department position.

We still await the results of the task force Iglesias convened about this time two years ago on the clear Acorn fraudulent voter registrations. We were told it would look to "political" to indict anyone that close to the election. Then we never heard anything else.

Mickey

With Vigil case over, investigators move on

Possible corruption in building of jail, courts is new focus

By <<http://www.abqtrib.com/staff/kate-nash/>> Kate Nash (
<<http://www.abqtrib.com/staff/kate-nash/contact/>> Contact) Originally published 08:27
a.m., October 2, 2006 Updated 01:11 p.m., October 2, 2006

the trial of former state Treasurer Robert Vigil complete, the U.S. Attorney's Office now has time to devote to a corruption case that could exceed Vigil's in prominence, complexity and profile.

The FBI said Sunday it has forwarded the office a "white collar, public corruption-type" case.

"It's basically with them," said FBI spokesman Bill Elwell. "As far as I know, we've completed our investigation."

What's "it"?

Prominent officials are mum, though insiders have indicated the case may be a doozy in a state already well-acquainted with corruption allegations against public officials.

Here's what's publicly known about the case, one that surfaced earlier this year:

The FBI has asked state or other officials for information about construction of the Metro Court in Albuquerque.

The state Auditor's Office, meanwhile, has asked for documents from Bernalillo County as part of its inquiry into "procurement issues" in building the Metropolitan Detention Center. The office has turned those documents over to the FBI.

The Auditor's Office also asked the county for information about construction costs of the state District Courthouse.

And, the FBI has questioned at least one former Bernalillo County official about allegations that someone gave former state Sen. Manny Aragon, an Albuquerque Democrat, money to ensure a certain contractor got work at the Metropolitan Detention Center.

"The insinuation was that because he was president pro tem of the Senate, we would cave in order to get a favorable result from him," former County Manager Juan Vigil said in July.

Vigil said that was not the case.

Aragon, from 2004 until July, was the president of New Mexico Highlands University in Las Vegas. A member of the state Senate for 29 years, and president from 1988 to 2000, he accepted a \$200,000 contract buyout for leaving the Highlands post. Highlands officials cited unhappiness with his job performance as the reason for his departure.

Aragon, when reached at home Sunday, declined to comment.

With the case at the U.S. Attorney's Office, another pressing question is when the office will take action.

The office is coming off months of work on the latest of two Robert Vigil trials, the second of which ended Saturday with the jury acquitting him on 23 counts and finding him guilty on one, attempted extortion. The first trial ended with a hung jury in May.

"They have been busy," Elwell said. "I know they have not been able to address it."

A spokesman for the office could not be reached for comment Sunday.

Political insiders say that if the main suspects are Democrats, the shoe could drop before the Nov. 7 election.

If there are Republicans in the mix, the office might want to avoid an "October surprise" and seek indictments later, political observers say.

Gov. Bill Richardson, when asked Friday how concerned he is about possible upcoming indictments in the jail and courthouse projects, said, "I really regret it. I don't know when they are happening."

Richardson said the FBI has not asked him anything about the investigation.

He said he's made an effort to get state laws changed to better deal with corruption, urges that lawmakers will consider in session next year.

Allegations of corruption on the state District Court project emerged in a lawsuit filed

in 2002 between business partners Harvey Peel and Raul Parra.

Peel sued his associates in four companies, including P2RS Group, Inc., and Technologies West Limited, claiming they were involved in racketeering activities, including illegal kickbacks.

In testimony for the case, Peel said Technologies West was paid \$160,000 for work on the courthouse. His lawsuit alleges the company submitted invoices for services or goods not provided, or "for amounts far in excess of the reasonable value of such services and goods, with the intent to deceive or cheat the state of New Mexico."

Out of the \$160,000, two checks - totaling \$50,000 - were made out for cash. That was the same amount as a puzzling entry - "Manny - 50,000" in Technologies West's books, Peel testified.

Aragon has denied accepting any bribe from Technologies West, Parra or Peel.

In a Nov. 19, 2002 deposition in the Peel case, Aragon said he had never heard of Tech West.

Aragon said in a Nov. 19, 2002 deposition that he provided legal services to P2RS. Peel testified Aragon got a \$20,000 annual retainer, according to court documents.

In other documents from the 2002 lawsuit, a contractor named Glen Perkal tells how he took precautions to protect his company, Integrity Networking Systems, when he was told by a court official to hire Technologies West as a subcontractor for telecommunications work at the state District Courthouse.

Before he struck the deal, Perkal said he wanted the court's request in writing to protect his company "from somebody coming in and saying that the money didn't need to be spent or that work didn't need to be done or whatever. Basically, it alleviated us of the responsibility for, you know, adding that cost into the contract or worrying about what it was really being used for."

Sept. 25, 2000, Perkal apparently got what he wanted. A letter signed by Court Administrator Bennina Armijo-Sisneros specified that Technologies West should be awarded work.

Perkal's part of the courthouse contract was \$400,000, plus \$160,000 for Technologies West, according to court documents.

In his testimony, Perkal said he didn't work on the Metro Court project because Court Administrator Toby Martinez wouldn't put a similar arrangement with Technologies West in writing.

Perkal said he called Parra and "told him we couldn't do the project the way he wanted us to do it, with all of this extra money involved, because we were concerned that somebody would find out, that we would get in trouble."

Perkal also said "somewhere in the neighborhood of a million and a half dollars" was the difference between the two proposals he had prepared, then withdrew, for work on Metro Court.

Mickey D. Barnett
205 Wyoming NE
Albuquerque, NM 87112
275.3200
338. Direct

www.thebarnettlawfirm.com <<http://www.thebarnettlawfirm.com/>>

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Albuquerque Journal

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Sunday, April 15, 2007

Domenici Sought Iglesias Ouster

By Mike Gallagher

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Former U.S. Attorney David Iglesias was fired after Sen. Pete Domenici, who had been unhappy with Iglesias for some time, made a personal appeal to the White House, the Journal has learned.

Domenici had complained about Iglesias before, at one point going to Attorney General Alberto Gonzales before taking his request to the president as a last resort.

The senior senator from New Mexico had listened to criticism of Iglesias going back to 2003 from sources ranging from law enforcement officials to Republican Party activists.

Domenici, who submitted Iglesias' name for the job and guided him through the confirmation process in 2001, had tried at various times to get more white-collar crime help for the U.S. Attorney's Office— even if Iglesias didn't want it.

At one point, the six-term Republican senator tried to get Iglesias moved to a Justice Department post in Washington, D.C., but Iglesias told Justice officials he wasn't interested.

In the spring of 2006, Domenici told Gonzales he wanted Iglesias out.

Gonzales refused. He told Domenici he would fire Iglesias only on orders from the president.

At some point after the election last Nov. 6, Domenici called Bush's senior political adviser, Karl Rove, and told him he wanted Iglesias out and asked Rove to take his request directly to the president.

Domenici and Bush subsequently had a telephone conversation about the issue.

R

The conversation between Bush and Domenici occurred sometime after the election but before the firings of Iglesias and six other U.S. attorneys were announced on Dec. 7.

Iglesias' name first showed up on a Nov. 15 list of federal prosecutors who would be asked to resign. It was not on a similar list prepared in October.

The Journal confirmed the sequence of events through a variety of sources familiar with the firing of Iglesias, including sources close to Domenici. The senator's office declined comment.

The House and Senate Judiciary committees are investigating Iglesias' firing as well as the dismissals of six other U.S. attorneys.

Gonzales, the embattled attorney general whose job is likely in the balance, is scheduled to testify Tuesday before the Senate Judiciary Committee.

Senate and House Democrats have focused on a telephone call Domenici made to Iglesias in October.

Iglesias testified before the congressional committees that Domenici called him at home and asked if indictments were imminent in a public corruption investigation of Albuquerque's Metropolitan Courthouse construction. Iglesias told him indictments were not expected anytime soon.

Iglesias testified that Domenici said, "I'm very sorry to hear that." And then hung up.

Iglesias said he felt "pressured" and "violated" by the telephone call but did not report it to Justice Department headquarters as required.

Domenici has admitted and apologized for making the call, but he denied pressuring Iglesias. He has also said he didn't mention the election.

Democrats have accused Domenici of attempting to influence the outcome of a tight congressional race between incumbent Republican Heather Wilson and former state Attorney General Patricia Madrid. Wilson won the election by

fewer than 900 votes.

Iglesias could not be reached for comment. He was reportedly out of the country on Navy duty.

A spokesman for Domenici's office said they were not prepared to comment at this time.

Looking for a paper trail

Exactly how Iglesias' name came to be included on a Nov. 15 list of U.S. attorneys to be fired has been a mystery House and Senate Democrats have been trying to unravel.

There are gaps in documents provided to Congress by the Justice Department about the firings and other records are severely redacted.

Gonzales' former chief of staff, Kyle Sampson, said he couldn't give a reason for Iglesias' firing during his testimony before Congress last month. He did say that if a U.S. attorney wasn't succeeding politically, he wasn't succeeding.

Documentation that has been turned over to Congress doesn't indicate problems with Iglesias' performance from the Department Justice point of view.

The documents reveal Domenici called Gonzales and his deputies on several occasions in 2005 and 2006.

In one undated memo, a Gonzales aide wrote, "Domenici says he doesn't move cases," in reference to Iglesias.

New Mexicans who complained directly to the Justice Department about Iglesias said they learned he was held in high regard by Gonzales and his staff.

At least one memo shows Iglesias was offered a job heading the Executive Office of U.S. Attorneys in Washington, D.C.

Iglesias turned the job down.

That job offer, according to several sources, was made at the prodding of Domenici.

According to sources, Iglesias was also considered for U.S. attorney for Washington, D.C., and other administrative posts at department headquarters.

Iglesias was apparently unaware that Domenici was unhappy with his job performance when he turned those jobs down.

White-collar crime

In September 2005, Iglesias announced the arrests of state Treasurer Robert Vigil and his predecessor, Michael Montoya, on extortion charges. Both are Democrats in a state where Democrats control the Legislature and most statewide offices.

Republicans who had complained about political corruption in the state for years saw an opportunity to do more than complain. And this was an issue with political traction.

The point man would be Iglesias.

During one of his few news conferences while U.S. attorney, Iglesias called political corruption "endemic" in New Mexico.

The FBI also put a high priority on public corruption, naming it its top priority behind terrorism.

According to Justice Department memos turned over to congressional investigators, Domenici approached Iglesias in late 2005 and asked if he needed additional prosecutors for corruption cases.

Iglesias, according to the memo, told Domenici he didn't need white-collar crime prosecutors. He needed prosecutors for immigration cases.

Domenici was disappointed in the response. After that conversation, Domenici decided he would try to get Iglesias help, whether Iglesias wanted it or not.

In 2006, Domenici asked Gonzales if he could find additional experienced white-collar crime prosecutors to send to New Mexico. Gonzales had a number of prosecutors who were finishing the ENRON prosecutions and were quite experienced at complex white-collar crime cases.

None was sent here.

Within Iglesias' own office, prosecutors suggested moving more attorneys into the White Collar Crime-Public Corruption section in 2005 because the FBI was developing more cases and

leads than the section could handle in a timely fashion.

Iglesias was initially enthusiastic about the idea but didn't follow through after consulting senior staff.

Treasurer's Office scandal

Montoya and others pleaded guilty in the Treasurer's Office scandal. Vigil went to trial in April 2006. After more than five weeks, a mistrial was declared. Several jurors said one holdout prevented conviction on at least some charges.

The second trial in September ended in one conviction on attempted extortion and acquittal on 23 counts. Vigil has been sentenced to 37 months in prison.

After the first trial, then-Attorney General Madrid indicted key prosecution witnesses in the federal case based on their testimony. She said Iglesias hadn't been tough enough in cutting plea deals and hadn't worked out an agreement with her office.

As a result, one key witness refused to testify in the second trial.

During this time, the much-publicized courthouse investigation was essentially put on the shelf. The lead prosecutor in the U.S. Attorney's Office was handling both the Vigil trials and the courthouse investigation.

Delays in the courthouse case led to frustration among Republicans who had tried to make Madrid's track record on ethics and corruption cases an issue in the Madrid-Wilson race.

Indictments in the courthouse case were announced last month.

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From: Raul Damas
Sent: 10/24/2006 7:29:46 PM
To: Jennings, Jeffery S. Jeffery_S._Jennings@who.eop.gov;
Cc:
Subject: RE: re: our call

What do you want me to do? I'm not sure how I can interface with him.

That link is now dead, by the way.

From: Jennings, Jeffery S. [mailto:Jeffery_S._Jennings@who.eop.gov]
Sent: Tuesday, October 24, 2006 7:27 PM
To: Raul Damas
Subject: FW: re: our call

From: Miers, Harriet
Sent: Tuesday, October 24, 2006 2:50 PM
To: Jennings, Jeffery S.
Subject: RE: re: our call

Perhaps this presents a different situation where the US Atty can knock it down because the article impugns his conduct of his office. Will be interesting to see.

From: Jennings, Jeffery S.
Sent: Tuesday, October 24, 2006 2:35 PM
To: Miers, Harriet
Subject: RE: re: our call

FYI - hitting blogs now:

<http://www.loftynodkey.com/article/133/breaking-us-attorney-sitting-on-renzi>

From: Miers, Harriet
Sent: Tuesday, October 24, 2006 1:25 PM
To: Jennings, Jeffery S.
Subject: RE: re: our call

Scott, I just finished speaking with Paul McNulty. He said what we suspected he would. He has been contacted by a number of frustrated members of the Congress asking why people can't be vindicated in the event nothing is going on. He acknowledged that the situation is frustrating, but reiterated their position that they cannot confirm or deny the existence of an investigation. He said the AG did an interview last week to put things in as good a perspective as possible by explaining that no one should be talking and that a refusal to deny should be given no meaning beyond that Justice does not admit or deny the existence of any investigation. I observed that at some point, immediately preceding an election, unattributed statements about the existence of an investigation was rankly unfair. He is continuing to think about the situation, but I did not get a lot of encouragement that they will deviate from normal course.

From: Jennings, Jeffery S.
Sent: Tuesday, October 24, 2006 12:56 PM
To: Miers, Harriet
Subject: re: our call

The person I called you about said the USATTY in his area, as well as the local FBI office, said they were unaware of any investigation.

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Inquiry on Renzi: Real deal or campaign trickery?

Justice official cautions not to jump to conclusions about investigation

Dennis Wagner and Billy House

The Arizona Republic

Oct. 26, 2006 12:00 AM

The scenario is a familiar one to state and federal prosecutors during election season:

As the day for casting ballots draws near, a political operative files a complaint alleging criminal misconduct by the opposing candidate. Investigators, with a responsibility to determine whether the allegations have merit, open an inquiry.

The operative then tips off journalists that the candidate is the target of a criminal inquiry. advertisement

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And, finally, reporters find a law enforcement official, usually anonymous, who confirms that the candidate is under investigation.

The question: Is that what happened to U.S. Rep. Rick Renzi this week?

Or is there substance to the scrutiny, reports of which began emanating from bloggers and have since been reported by mainstream news organizations?

A Justice Department official in Washington, D.C., confirmed a "preliminary inquiry" of allegations about Renzi. The official also cautioned Wednesday that initial media reports contained significant inaccuracies. The official said the Justice Department contacted at least two newspapers Wednesday about "chunks of stuff in their stories that's wrong."

In an interview Wednesday, Renzi, a two-term Republican lawmaker from the 1st Congressional District, said he had done nothing wrong. He accused his Democratic opponent, Ellen Simon, or her supporters of trying to manipulate the campaign.

"I think that my opponent has deliberately misused the protocols of the Justice Department 11 days out from the campaign to smear me and smear my father and my family," Renzi said.

Simon spokesman David Flaks called Renzi's claim "patently false" and "absurd."

"We're learning of this stuff like everyone else, through the press," Flaks said.

David Mark, a political analyst and author of the book, *Going Dirty: The Art of Negative Campaigning*, said that complaints filed about candidates shortly before Election Day are used as a campaign technique.

"This is an old story," he said.

Although Mark does not know enough details to say whether Renzi's activities merit investigation, he said, "obviously, the timing is real suspicious."

And whoever leaked news of the inquiry, he said, "wanted it out there before the election."

Renzi's lawyer, former Arizona Attorney General Grant Woods, said he will ask the Justice Department to identify and fire anonymous sources within federal law enforcement.

"The Justice Department has to find out who did this," Woods said. "I'm going to ask them to investigate who leaked this because it's patently unfair and against their own policies."

Details vary about the focus of the inquiry. Some say prosecutors are looking at a land-swap deal involving Renzi and a former business partner. Others say investigators have targeted his

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sponsorship of a bill that may have indirectly benefited a company that employs his father.

Both of those issues have been raised in past media reports and by watchdog groups such as Citizens for Responsibility and Ethics in Washington, which twice has listed Renzi as among the "most corrupt members of Congress."

Renzi on Wednesday denied any wrongdoing and said he acted both with "pure intentions" and in the public interest.

The Justice Department official in Washington would not discuss the nature of the inquiry into Renzi.

"This is not a well-developed investigation, by any means," the official said. "A tip comes into the department. The department is obligated to follow up . . . and we do that. People are assuming there is evidence of some crime," even though that is not necessarily true.

The federal official would not discuss whether the Justice Department was being manipulated for political purposes.

However, the official said it is unusual for the department to publicly acknowledge concerns about the accuracy of media reports. "Be careful," the official said. "I can confirm to you a very early investigation. But I want to caution you not to chop this guy's (Renzi's) head off."

In Arizona, a Democratic Party figure was among the first to alert reporters to the inquiry. Simon has posted links to blogs and news articles about the issue on her campaign Web site. But it is unclear whether political operatives were merely passing on information damaging to the GOP incumbent or playing a deeper role.

Woods said he understands the dilemma facing U.S. Attorney Paul Charlton because Woods was in the same position as attorney general when complaints were filed against candidates during election season.

"I'm sure it's a dilemma for the press, as well," he said, "because you don't want to be used either way. . . . But this leak is clearly to influence an election."

An indication of whether the inquiry is affecting the race could come in the next few days, if the national Democrats start to pour money into Simon's race.

"All he can do is get his side of the story out," Mark said of Renzi.

Reporter Jon Kamman contributed to this article. Reach the reporter at dennis.wagner@arizonarepublic.com or (602) 444-8874.

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THE WALL STREET JOURNAL

WSJ.com

APRIL 25, 2007

Delays in Renzi Case Raise More Gonzales Questions

By JOHN R. WILKE and EVAN PEREZ

WASHINGTON -- As midterm elections approached last November, federal investigators in Arizona faced unexpected obstacles in getting needed Justice Department approvals to advance a corruption investigation of Republican Rep. Rick Renzi, people close to the case said.

The delays, which postponed key approvals in the case until after the election, raise new questions about whether Attorney General Alberto Gonzales or other officials may have weighed political issues in some investigations. The Arizona U.S. attorney then overseeing the case, Paul Charlton, was told he was being fired in December, one of eight federal prosecutors dismissed in the past year. The dismissals have triggered a wave of criticism and calls from Congress for Mr. Gonzales to resign.

Investigators pursuing the Renzi case had been seeking clearance from senior Justice Department officials on search warrants, subpoenas and other legal tools for a year before the election, people close to the case said.

The Justice Department denied any foot-dragging in the Renzi case. "There was no such delay," said Bryan Sierra, a spokesman. Mr. Gonzales has said none of the firings of U.S. attorneys was related to corruption cases, and that the department is committed to pursuing such cases. Public-corruption staffing and prosecutions nationwide have increased during his tenure.

Sen. Charles Schumer (D., N.Y.), a Judiciary Committee member who has called for Mr. Gonzales's resignation, said his panel is planning to pursue whether the Renzi case was a factor in Mr. Charlton's firing. "I'm not saying there's evidence and I'm not making allegations," Mr. Schumer told reporters Monday. "But it's something we should look into."

Complex investigations commonly take a year or more, and it isn't known what issues figured in the Renzi case. Many details remain shrouded in the secrecy of a Tucson grand jury that has been at work since last year. Court filings remain under seal. The precise sequence of events likely won't become public unless formal charges are filed.

But the investigation clearly moved slowly: Federal agents opened the case no later than June 2005, yet key witnesses didn't get subpoenas until early this year, those close to the case said. The first publicly known search -- a raid of a Renzi family business by the Federal Bureau of Investigation -- was carried out just last week.

Mr. Renzi is the subject of a criminal inquiry into land deals, among other things. The Wall Street Journal reported last week that federal agents are focusing on a \$200,000 cash payment Mr. Renzi received from a former business partner in 2005 following a land sale that was to be part of a proposed government land-exchange bill.

A lawyer for Mr. Renzi, Grant Woods, has denied any impropriety and said that the money was repayment of a debt, not a kickback. In a statement last night, Mr. Renzi denied wrongdoing, calling recent stories about the investigation "conjecture and false attacks" and saying that "none of them bear any resemblance to the truth." But he said he intends to "take a leave of absence" from all of his committee posts, including the natural-resources committee and House intelligence panel.

Normally, local U.S. attorneys may seek court approval for warrants and wiretaps without Washington's approval. But the Renzi case -- like many that involve members of Congress -- is being handled jointly by the local U.S. attorney and the department's public-integrity section. In such cases, a senior department official must approve requests for wiretaps and warrants and other formal legal steps.

People briefed on the case said investigators in Arizona asked Washington for clearance -- among other tools -- for a wiretap of Mr. Renzi's telephones, a highly unusual step against a sitting member of Congress, months before Election Day. The wiretap eventually was approved, and was in place by late October, these people said.

On Oct. 26, just days before the election, two political Web sites carried the first public word of the probe. In subsequent news accounts, an unidentified Washington law-enforcement official described the matter as "preliminary." Few details emerged, but the leak disrupted prosecutors' wiretap.

Meanwhile, Mr. Renzi, first elected to Congress in 2002, was fighting to hold on to his seat. In September, President Bush hosted a fund-raiser in Scottsdale on his behalf. About the same time Mr. Charlton was added to a list of prosecutors "we should now consider pushing out," wrote Mr. Gonzales's then-chief of staff, Kyle Sampson, in a Sept. 13, 2006, email to then-White House counsel Harriet Miers. The email is among thousands that the Justice Department has released in response to congressional inquiries into the dismissal of the U.S. attorneys.

In November, Mr. Renzi won re-election to a third term, beating his challenger by 51% to 44%. A month later, on Dec. 7, Mr. Charlton was told he was being dismissed. Two weeks later, he emailed William Mercer, a senior Justice Department official: "Media now asking if I was asked to resign over leak in Congressman Renzi investigation." He asked for advice, but never got a response, according to the emails released by the Justice Department.

Mr. Sierra, the department spokesman, said it would be inappropriate to comment on any ongoing case. Generally, though, cases move along on their own pace, he said. "We don't operate under artificial deadlines," he said. "To artificially put deadlines or to rush the time could damage the integrity of the investigation."

Brian Roehrkasse, another Justice Department official, said the department under Mr. Gonzales "has never retaliated against a United States attorney for conducting or failing to pursue a public corruption investigation."

Mr. Charlton, a Republican with 16 years as a federal prosecutor, was named by President Bush in 2001 to lead the Phoenix office. Now in private practice in Phoenix, he has refused to discuss any details of the Renzi investigation -- even when asked about it at a March 6 hearing of the House judiciary committee.

Write to Evan Perez at evan.perez@wsj.com

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From: Perino, Dana M.
Sent: Friday, November 17, 2006 3:41 PM
To: Mamo, Jeanie S.; Martin, Catherine; Sullivan, Kevin F.
Subject: RE: USA replacement plan

Give me a double shot – I can't breathe.

From: Mamo, Jeanie S.
Sent: Friday, November 17, 2006 3:02 PM
To: Perino, Dana M.; Martin, Catherine; Sullivan, Kevin F.
Subject: RE: USA replacement plan

Issues in the press for which Dana will need the oxygen can:

Carol Lam prosecuted Rep. Randy "Duke" Cunningham

AP in Arizona reports that US Attorney's (Paul Charlton) office in Arizona is scrutinizing a land deal involving Rep. Rick Renzi (obviously, USA's office will not confirm this.)

From just a quick news clip search I cannot find any other high-profile cases that would draw particular scrutiny for others, but also do not know the extent of home-state political support.

-----Original Message-----

From: Perino, Dana M.
Sent: Friday, November 17, 2006 1:29 PM
To: Martin, Catherine; Sullivan, Kevin F.; Mamo, Jeanie S.
Subject: RE: USA replacement plan

Someone get me the oxygen can!!

-----Original Message-----

From: Martin, Catherine
Sent: Friday, November 17, 2006 1:25 PM
To: Sullivan, Kevin F.; Perino, Dana M.; Mamo, Jeanie S.
Subject: Fw: USA replacement plan
Importance: High

What do you all think? Not sure when it would happen.

-----Original Message-----

From: Kelley, William K.
To: Fiddelke, Debbie S.; Jennings, Jeffery S.; Martin, Catherine
Sent: Fri Nov 17 12:32:06 2006
Subject: FW: USA replacement plan

The email below, and the attached document, reflect a plan by DOJ to replace several US Attorneys. By statute, US Attorneys serve for four year terms, which are commonly (but not always) extended by inaction – in practice, they serve until replaced. They serve at the pleasure of the President, but often have very strong home-state political juice, including with their Senators.

Before executing this plan, we wanted to give your offices a heads up and seek input on changes that might

reduce the profile or political fallout. Thanks.

-----Original Message-----

From: Kyle.Sampson@usdoj.gov [mailto:Kyle.Sampson@usdoj.gov]
Sent: Wednesday, November 15, 2006 11:02 AM
To: Miers, Harriet; Kelley, William K.
Cc: Paul.J.McNulty@usdoj.gov
Subject: USA replacement plan
Importance: High

Harriet/Bill, please see the attached. Please note (1) the plan, by its terms, would commence this week; (2) I have consulted with the DAG, but not yet informed others who would need to be brought into the loop, including Acting Associate AG Bill Mercer, EOUSA Director Mike Battle, and AGAC Chair Johnny Sutton (nor have I informed anyone in Karl's shop, another pre-execution necessity I would recommend); and (3) I am concerned that to execute this plan properly we must all be on the same page and be steeled to withstand any political upheaval that might result (see Step 3); if we start caving to complaining U.S. Attorneys or Senators then we shouldn't do it -- it'll be more trouble than it is worth.

We'll stand by for a green light from you. Upon the green light, we'll (1) circulate the below plan to the list of folks in Step 3 (and ask that you circulate it to Karl's shop), (2) confirm that Kelley is making the Senator/Bush political lead calls, and (3) get Battle making the calls to the USAs. Let us know.

<<USA replacement plan.doc>>

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.
(202) 305- call
kyle.sampson@usdoj.gov

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From: Sullivan, Kevin F.
Sent: Friday, November 17, 2006 6:18 PM
To: Martin, Catherine
Subject: Re: USA replacement plan

Some of these will be tough to explain -- the judge who sentenced duke cunningham? Renzi?
Congrats of Kevin's confirmation by the way

-----Original Message-----

From: Martin, Catherine
To: Mamo, Jeanie S.; Perino, Dana M.; Sullivan, Kevin F.
Sent: Fri Nov 17 18:10:17 2006
Subject: Fw: USA replacement plan

Leg just weighed in. I guess I couldn't open the list on my bberry.

-----Original Message-----

From: Fiddelke, Debbie S.
To: Kelley, William K.; Jennings, Jeffery S.; Martin, Catherine
Sent: Fri Nov 17 17:46:33 2006
Subject: RE: USA replacement plan

Bill -- out of concern about reaction on the Hill, especially from the Republican members affected, we'd have the following questions. Thanks. -- Deb

-Why these 6 slots? (Are they being removed because of poor service for DOJ? There is no explanation in the attachment.)

-Were these US Attorneys recommended to us by their home state Senators 4 years ago?

-Is there precedent for doing this?

-----Original Message-----

From: Kelley, William K.
Sent: Friday, November 17, 2006 12:32 PM
To: Fiddelke, Debbie S.; Jennings, Jeffery S.; Martin, Catherine
Subject: FW: USA replacement plan
Importance: High

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<<USA replacement plan.doc>>

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.
(202) 305- cell.
kyle.sampson@usdoj.gov

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THE WHITE HOUSE
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For Immediate Release
Office of the Press Secretary
March 13, 2007

Press Briefing by Dan Bartlett, Counselor to the President

Filing Center
Holiday Inaugural
Mérida, Mexico

President's Trip to Latin America

2:00 P.M. (Local)

Press Briefings

MR. BARTLETT: Good afternoon, everyone. I'll start with a few brief comments, before I take your questions.

The two Presidents are concluding their lunch pretty much as we speak, in which they -- is on the heels of a bilateral conversation with a restricted group, as well as an expanded meeting with various Cabinet officials and members of the delegation. This is an opportunity for the two Presidents, as Presidents -- the President met President Calderón in December, when he was still President-elect in the Oval Office -- but this is the first time that the two Presidents were able to meet, and the President is honored to be here in his country.

And it's been really -- on the docket was a wide-ranging agenda, from issues of trade to border security to narco-trafficking, broader criminal justice issues. And the thing that has struck me and the President, as he meets with leaders from Central America as well as with from Mexico, is the need to have a regional perspective when it comes to fighting crime, particularly drug crimes, because obviously in America a huge demand, unfortunately, for these drugs. A lot of the prosecutors and investigative bodies in the United States have good information and leads on various criminal conduct that happens in their country, that leads back to certain countries.

And what the two leaders and the leaders with -- the President talking to members, leaders in Central America, as well, as to how can we collaborate and coordinate our information and our law enforcement activity so we can have greater focus on busting some of these syndicates and disrupting the flow of drugs in the first place.

So the President has really enjoyed his trip so far. This is his final stop, appropriately, with Mexico. As the President stated himself earlier, he had visited Mexico as governor many times, and now has an opportunity again to come here as President. And the relationship between the two countries is a strong one, it's a vital one. And we will continue to brief you on the various aspects of the agendas that were discussed.

With that, Steve Holland.

Q Does the President condone the remarks about homosexuality by General Pace? And has he asked for him to apologize?

MR. BARTLETT: Well, President Bush has been informed about those remarks. He's also been informed about the comments that he has made as far as clarifying, that he made it very clear that his personal views on this matter has no influence on the policy of the United States government. The "don't ask, don't tell" policy has been longstanding, one the President supports, for reasons why the Department of Defense has often described for operational considerations. So he thought it was appropriate for the Chairman to make that clear distinction today in the statement that went out just shortly ago.

Q Dan, can you talk a little bit about, by the White House's own account, Senator Domenici at some point went to the President and urged him to fire the U.S. attorney in New Mexico, specifically? What did the President do with that information, after Senator Domenici asked him? And what did the President say to Attorney General Gonzales, when they did speak about this?

MR. BARTLETT: It's important to back up a bit. The issue of U.S. attorneys, as many of you know, these U.S. attorneys serve at the discretion of the President. Many of these U.S. attorneys have served four-year terms. There was a management review process and there was a determination made to remove seven U.S. attorneys for cause. And the members of the Justice Department have been sharing that information, the particulars on each of those cases, as to why those U.S. attorneys were removed, which is completely within the managerial discretion of the Attorney General and something that the President supported.

Particularly, as you can imagine, at the White House, when it comes to complaints, we receive a lot of complaints, whether it be from members of Congress, state leaders, local leaders. Oftentimes that is the job description of a White House employee, is to field complaints. That is not limited to U.S. attorneys. And over the course of several years we have received complaints about U.S. attorneys, particularly when it comes to election fraud cases -- not just New Mexico, but also Wisconsin and Pennsylvania.

That information, it's incumbent upon us to share with the relevant Cabinet officers, incumbent upon the President to do that, as well. The President did that briefly, in a conversation he had with the Attorney General in October of 2006, in which, in a wide-ranging conversation on a lot of different issues, this briefly came up and the President said, I've been hearing about this election fraud matters from members of Congress, want to make sure you're on top of that, as well. There was no directive given, as far as telling him to fire anybody or anything like that. That would be under the prerogative of the Justice Department to take a look at those issues, as they obviously were doing.

So I know a lot of people want to make more out of it than that, but that is exactly what happened. The new information that came out here today, and the reason why the Attorney General accepted the resignation of his Chief of Staff is because of an internal DOJ matter in which information was not properly shared with other key members of the Department of Justice. He was willing to inform the United States Congress in a more complete and accurate picture.

Q But one quick follow. When you say that this was based on managerial decisions, performance -- the Justice Department's own evaluation of Iglesias, the New Mexico U.S. attorney, in 2005 gave him a strong recommendation. So how does that square with then firing him for poor performance?

MR. BARTLETT: Well, he was fired two years later than 2005, and there was a series of issues that they looked at. They looked at his managerial responsibilities and what they had found in a review process that was undertaken at the Department of Justice, that they felt that he was not managing the office as well as it should be; there was issues about his lack of leadership on key committees that prosecutors, U.S. attorneys serve in capacity for the Attorney General. He served on a key immigration subcommittee, and they felt like he didn't possess leadership skills there and fulfill that job in a way that he should have.

And, also, they took into consideration the complaints that they were fielding from local officials about the lack of prosecution of cases, and the fact that he had lost a high-profile case, when I think 24 or 25 counts were thrown out by a jury against the government. It was a devastating loss for the government.

So there is a complete picture there that is important to understand. And at no time did the White House bring to or edit or modify or add to or subtract from the list of seven U.S. attorneys. We ultimately approved or signed off on the list when that was completed by the Department of Justice. But those were decisions that are appropriately made at the Department of Justice.

The Attorney General made the right decision. We support the Attorney General in his decision.

Q But this is somebody picked by the President, and he gets a high recommendation, and in two years he loses all these skills and becomes an awful prosecutor?

MR. BARTLETT: Well, again, people like myself, other members of the administration serve at the pleasure of the President. There are a lot of factors that are taken into consideration. He had served many years. You look at the totality of evidence. They believed it was important that they could bring in fresh blood, new leadership in this position -- and the other key positions, six U.S. attorney positions.

But when you look at it in its totality, they believe that the U.S. Prosecutor's Office in the state of New Mexico

would be better served, the people of New Mexico be better served with a new U.S. attorney.

Tom.

Q Well, let's look at it in its totality.

MR. BARTLETT: I'll talk to Tom, and I'll come to you. And we will talk about it in totality.

Q Dan, the Attorney General said he took responsibility for mistakes. Does the President still have full confidence in the Attorney General? And given the White House role in this, does the President acknowledge that there were mistakes made -- and take responsibility for them?

MR. BARTLETT: He absolutely has full confidence in the Attorney General, and the reason why he does is for exactly what he said today: He's a standup guy; he's a person who comes to the job every day, doing the best he can to serve the United States of America; he takes that job very seriously. And when he saw problems, he's pledged to the American people and to the United States Congress to fix those problems. So the President has all the confidence in the world in Alberto Gonzales as the Attorney General for the United States of America.

He also feels it's important that the information as to how these decisions were made be provided. He accepts the decision so far that has been made by the Attorney General for the resignation of Kyle Sampson. And he is satisfied that we are addressing the concerns. But make very clear the decision, the original decision to remove the seven U.S. attorneys who serve at the discretion of the President was the right decision.

Bill.

Q Let's look at the totality here.

MR. BARTLETT: Okay.

Q These are political jobs. Why are you so anxious to keep these seven firings away from the White House and in the Justice Department? Wouldn't it have been appropriate for the political shop in the White House to take a look at this? What's the big deal? Why are you so anxious to say it was all the Justice Department's doing, we had nothing to do with it?

MR. BARTLETT: Well, we've made clear the role the White House has played in this, and the White House Counsel's Office, in which they approved the list. I think most people would expect that the U.S. Attorney General would be the person who actually is in charge of making management decisions for that agency. That is common for the Department of Justice, it's common for the Department of Defense, the Department of State, the Department of Commerce. Going down the line, the President, as he manages this administration, relies upon his Cabinet officers to make the type of managerial decisions.

What would also be appropriate, though, and is a common practice not only with the Department of Justice, but with agencies across the board, is that as information is received by the White House directly -- and it happens often; like I said, whether it be from members of Congress, state and local officials -- that information, if it's complaints, if it's accolades for somebody, we typically pass those on to the Cabinet officer. In this case, it would have been to the Department of Justice. That is appropriate.

But I think it is important, though, whether it be wrong or not, that the facts be what they are. And the facts are that we did not play a role in the culmination of the list of the seven U.S. attorneys.

Q The Congress is upset that they were not properly informed of how the White House did play a role. But the Attorney General knew that the White House was involved, people at the White House -- Harriet Miers, Karl Rove, the President, himself -- knew the White House had played a role. Isn't the White House, then, responsible for not informing Congress properly?

MR. BARTLETT: I think it's very important, Kelly, to make a distinction between what we knew and what role we played. And right there, I think is where this can be very complicated, because there's a clear distinction between having approved of a list, and playing a role in the compilation of the seven U.S. attorneys. The White

House did not play a specific role in the list of the seven U.S. attorneys.

The decision in which it was not given all the information in its totality and context by the Justice Department to members of Congress was because the information that Kyle Sampson had wasn't adequately shared with other members of main Justice who were going up to testify before Congress.

It's very important that if they go before Congress that they give a complete and accurate picture of the decisions that were made and why they were made. It's not to say the decisions were wrong -- in fact, we had very good reasons for the very reason why the seven U.S. attorneys were removed. But it is very important that when they go up and testify, and they go to their oversight committees, that those members of Congress have confidence that the information they're receiving is in complete and full context. And in this case, it wasn't. That's why he's accepted the resignation of chief of staff. And he's going to redouble his efforts to regain the confidence of those who are questioning that. And that's something the Attorney General spoke directly to today.

Q But wasn't their knowledge beyond Kyle Sampson? People in the White House Counsel's Office understood that they had participated in this process, and Congress was not properly informed of that.

MR. BARTLETT: Again, "participated in the process" is inaccurate because --

Q I understand what you're saying about they didn't do the names, but they were aware of -- and that's the whole reason we're here. You were aware of this beforehand --

MR. BARTLETT: Well, I think it's important to understand what this is, Kelly, because they did -- the Deputy Attorney General and other members of the Department of Justice went up there and talked about why these people were not -- were let go. The context they wanted to give is from 22 months prior, when there was a conversation between Harriet Miers and Kyle Sampson had talked about after the start of the second term, in 2004, would it make sense to maybe have a clean slate and start with a full range of new U.S. attorneys across-the-board. That was quickly rejected not only by Kyle Sampson at the Department of Justice, but also not viewed as a good idea within the White House.

Twenty-two months later, there is a very specific managerial decision made about seven U.S. attorneys. That's in context that the Congress should have known, but it doesn't change the underlying facts of this case.

Q Dan, obviously Kyle Sampson is taking the fall for this. But Attorney General Gonzales just said, I can't be aware of all the decisions that are made in my department. So which is worse: if he knew, or he didn't know?

MR. BARTLETT: Well, what he is saying is he's accountable. He made it very clear that he's accountable for the decisions he's made. He's just talking about the fact that he runs a very large organization.

But I take issue with the fact that he is the fall guy in this. All the decisions that were made with regards to the removal of these U.S. attorneys were proper decisions. What was not done properly, and didn't live up to the standards of the Attorney General of the Bush administration, was the fact that Mr. Sampson didn't share that information as freely as he should have with members of his own team there at the Department of Justice, who were going up to Congress to testify about this. Mr. Sampson offered his resignation. He understood, himself, that he should have done a better job with this.

So I think it's very important to make a clear distinction about the difference between decisions made about why these U.S. attorneys were fired and why Mr. Sampson, himself -- but I don't take -- I take issue with the fact about --

Q Are you suggesting Sampson is the only person who had this information? Why did it take media exposure for it to come out?

MR. BARTLETT: Well, that's not true. What it took was as they were preparing for DOJ -- members of the Department of Justice to go up to Congress to meet with them more thoroughly about how this decision was made, many emails and things were compiled. And based on the recollection, based off reading emails or previous memos, did jog memories of people both at the Justice Department and the White House.

So this is not a situation we were sitting on information and just not sharing it. In fact, the fact that I'm standing up here and we've made -- I think now documents are posted on the websites up on Capitol Hill -- demonstrates that we have nothing to hide. And we want to make sure that all this information is understood and in complete context. But it doesn't change the underlying fact, and that is that this was a proper decision.

Peter.

Q Dan did Attorney General Gonzales offer his resignation to the President?

MR. BARTLETT: He has not.

Q Has he spoken to the President?

MR. BARTLETT: Not since we've been on this trip, no.

Q How about Karl Rove? Will the President agree to allow Karl Rove to testify if Congress wanted him, and/or Harriet Miers?

MR. BARTLETT: Well, I think -- there's a lot of rhetoric flying around about who's going to testify and who's not, and I don't think -- we have not received any specific requests. And I think we've demonstrated through the Department of Justice, with members of that team going up and interviewing and providing information, demonstrates the administration's willingness to work with Congress so they have a greater understanding of how these decisions are made.

So we will wait to see if there's a specific request, with this context, and that is, as you know better than most, that decisions about White House staff testifying to the United States Congress has a precedent that dates beyond this -- prior to this administration. I find it highly unlikely that a member of the White House staff would testify publicly to these matters, but that doesn't mean we won't find other ways to try to share that information.

Like I said, it's speculative right now, because we have not received a formal request.

Q Dan, you mentioned the White House fields a lot of complaints. Was the President specifically aware of these election fraud cases that were not, according to the White House, being vigorously prosecuted? And did he mention that specifically to Attorney General Gonzales late 2006, about the specific cases -- Philadelphia, Milwaukee, New Mexico?

MR. BARTLETT: He, in a very brief conversation, said that he is receiving complaints about U.S. attorneys in those particular states. He did not mention any prosecutor by name. That was something that the Attorney General was fully aware of already -- he says, I know, and we're looking at those issues. But he gave him no directive. And, again, it's important to understand that this will be routine not only for the President to do, but also for members of our staff to share those complaints with the Attorney General.

Q When the President had this conversation with the Attorney General about specific concerns, doesn't that send the message that he has concerns about these attorneys?

MR. BARTLETT: It means exactly what it says, is that he's sharing those concerns. And, in fact, the Attorney General was fully aware of those complaints, as well, because I think they were received independent of the President. So I don't think that it's a big surprise that there would be an offhand conversation about that, but there was, again, no directive given.

Q Last one. Harriet Miers' revelation that there's this idea that she wanted to clear house of all the U.S. attorneys, why is this coming out now and what's the timeline of this?

MR. BARTLETT: It's coming out again because of the Kyle Sampson emails and papers that were being collected in order to respond to the request being made by the Department of Justice, that there's email traffic that jogged the memory of people at the White House and with Kyle Sampson, particularly -- because what Harriet Miers was doing was taking a look and floating an idea to say, hey, should we treat the second term very similar to the way we treat a first term? Because, remember, when Bill Clinton came into office he removed all

93 U.S. attorneys. The President chose not to remove all 93 U.S. attorneys -- removed significant numbers of them, but we left people in key positions because of the role they played.

So those discretionary decisions made by a President, by an administration are often done. And what Harriet floated was the idea of saying should we treat the fifth year as the first year -- give new blood -- an opportunity for new blood to come in. Kyle, to his credit, and others said, that would be highly disruptive to the process, there are a lot of good U.S. attorneys that are performing; some of them have not served full four-year terms because we hadn't removed them all in the first place.

So it was appropriate for Harriet to raise the idea; it was quickly rejected. These seven U.S. attorneys who were then ultimately removed for cause was done 22 months later, almost two years later. So I think -- but it's important to have that context.

Jim.

Q Dan, first of all, in the October conversation what was the President told about the removal process? Was he informed about what was going on by the Attorney General? And, also, secondly, who else can you say in Congress expressed concerns to the President, aside from (inaudible)* New Mexico? And also did Rove hear concerns and pass them on to the President? Did Bolten pass concerns on to the President? Did Candi Wolff pass concerns on?

MR. BARTLETT: Well, many -- many offices within the White House were receiving these complaints: leg affairs office, those who deal with state and local leaders that report to Karl Rove. So it wouldn't be surprising that Karl or other people were receiving these complaints. And I can't rule out that those complaints weren't also shared with the President, as well. And as he said, the President was directly hearing from members of Congress to that effect. But at the time, the President was not informed of any specific course of action being taken on the removal of those U.S. attorneys, and I think the Justice Department has greater detail and I would refer you to them.

Q But just to clarify, so in October the President was not informed about anything going on in terms of a removal process?

MR. BARTLETT: That's correct.

Q And are there any other names you can share, in terms of members of Congress who mentioned concerns to the President directly?

MR. BARTLETT: I can't. No. Ann.

Q Dan, exactly what did the President say in that October meeting? And who else was there besides the Attorney General?

MR. BARTLETT: Well, Ann, I'm not going to go into details about internal White House conversations, who was there, who was saying what, what kind of coffee they were drinking. I will just say that this was passed on; we're sharing that information. We felt it was important context so the members of Congress and others know. But the President routinely meets on an individual basis with members of his Cabinet, and in the course of having one of these routine meetings in which a lot of different issues are addressed, this issue briefly came up, and I'll leave it at that.

Q I didn't ask about the coffee. Was it just members of the --

MR. BARTLETT: And I answered first that I was not going to talk about other participants in the meeting.

Q But, I mean, was it members of Congress in this, was it --

MR. BARTLETT: No, no, this was an internal White House meeting with the Cabinet officers.

Q And the President did not take any specifics or even express an opinion whether these complaints had any

validity? He was just kind of being an honest reporter of them?

MR. BARTLETT: Well, he would not be in a position to weigh into the facts of complex cases of fraud or corruption cases. Those would be something that he would leave to his Attorney General and their staff to handle for him.

Q Dan, you said that members of Congress were bringing these complaints to many parts of the White House and directly to the President. Was the President aware that some of these members of Congress were calling these U.S. attorneys directly? And does he think that those phone calls were appropriate?

MR. BARTLETT: He was not aware of those conversations, and he's not in a position, nor am I, to say whether they're appropriate or not. I think that is something that the Congress, themselves, are looking at. So I don't have the facts in that case, in those various conversations that apparently took place.

Q These U.S. attorneys would answer to the Justice Department. Is it appropriate for members of Congress, in general, to make phone calls to attorneys?

MR. BARTLETT: My understanding is it's more distinct. It is -- they can have conversations with U.S. attorneys, but should they talk to them about an active investigation -- I'm not in a position to weigh one way or the other what the regulations say. I'm not an expert on that. But I do believe this is something that the Congress is looking at it.

Q Dan, you said that he has not offered his resignation. But has he talked to anybody in the White House about resigning?

MR. BARTLETT: No.

Q Dan, can you just clarify --

MR. BARTLETT: Hold on --

Q Thank you. A couple of questions. How many members of Congress took these complaints directly to the President, himself?

MR. BARTLETT: I'm not going to be able to give a number on that. Like I said, this has been a topic of conversation in which, when the President is meeting with groups of senators or congressmen, in which something like this or other types of complaints come up, typically what happens is that the President recalls one of those complaints, sees a Cabinet officer, he'll pass them on. But I'm not going to be able to go into specific detail about numbers -- the numbers of congressmen or the particular nature of those conversations.

Q Is this typical for the President of the United States to be the complaint department for --

MR. BARTLETT: Unfortunately, it is. At the top, at the highest levels of government, when people feel like they've got the audience of the President of the United States, it is very common -- very, very common -- that people feel compelled to unearth every complaint they have. It happens at his level, it happens at my level, it happens at every level in the legislative affairs office.

And that's to be expected, actually. I mean, when you do have -- people typically don't come in to say, boy, you're doing a great job and everything's hunky-dory. When you have the President of the United States or you have other people, you want to say, hey, I've got a problem here, I want to solve it. When the President goes down to the Gulf Coast and meets with members -- local officials in New Orleans, yes, they'll talk about some progress, but, more importantly, they're bringing issues they have, complaints they have. That's the way government works. It's not inappropriate, and it would not be inappropriate for the President to then share that information with his Cabinet officers, and that's what took place here.

Q Just one more. How could the Chief of Staff of the Attorney General deal with something of this magnitude without the boss knowing about it?

MR. BARTLETT: Which boss?

Q The Attorney General.

MR. BARTLETT: Well, he said he had general understanding of what he was doing. But did he know that his Chief of Staff was not talking to somebody else in his office? That's why you have a Chief of Staff, somebody like him who had the expertise in dealing with personnel matters, working in the White House Counsel's Office, where he dealt with U.S. attorney issues. He had a lot of confidence in Kyle, for good reason, to handle these issues and know that they were being taken care of.

Unfortunately in this case, that information wasn't shared with other members of the Department of Justice. But, ultimately, as the Attorney General said himself, he is accountable, and he's going to take corrective action to make sure it doesn't happen again.

Q Some members of Congress have said they would like to subpoena Karl Rove and maybe others in the White House. Would they resist any subpoena? And what, explicitly, was Karl Rove's involvement in all of this?

MR. BARTLETT: Well, again, I think it's important that we not get ahead of ourselves. We have no subpoena requests. We've had preliminary conversations which -- particularly with the focus on Department of Justice. I'm sure there will be conversations with the White House Counsel's Office about what the White House knew, who was involved in those things. And we're going to work with them as much as possible. But I think it's way too early to start talking about subpoenas and those things.

But as I answered Peter's question, there is a long-time precedent when it comes to White House staffers, themselves, testifying in public. We did it -- there was an extraordinary case when Secretary Rice, when she was National Security Advisor, testified on the bipartisan 9/11 commission after our country was attacked. Whether this rises to the similar level, like I said, I think it's highly unlikely. But we will wait to see the specific requests we get from them. There have been no subpoenas issued, and if there's a way that we can share information with them, we will definitely explore it.

As far as to Karl Rove, as we've said and has been expressed in public on several different occasions now, that as you would expect, people who have relationships in local and state communities have complaints, they share them with various aspects of the White House apparatus, including Karl Rove. Karl Rove passes those on to the General Counsel's Office, shares them with other staff members.

Q But didn't Harriet Miers brief him early on, even before there were complaints, about removing all the attorneys?

MR. BARTLETT: Yes, and his recollection was that that was not a good idea.

Q Dan, I just want to clarify. When you told Kelly there was a distinction, that the White House involvement was to approve the list of seven U.S. attorneys, okay, but that the White House did not shape that list in any way. When you look at the case of Iglesias in New Mexico, you've got New Mexico Senator Domenici goes personally to the President of the United States and says, I have a problem here, I want this guy out. Okay, the President then talks to the Attorney General in October. And then the Attorney General's staff forms this list. And on that list is Iglesias, he's one of the seven. So doesn't that sound like there was -- that the White House did help shape at least one of those names?

MR. BARTLETT: But as I said, Ed, the reaction from the Attorney General when the President raised it is, I know about those issues. The Justice Department, themselves, were receiving very similar phone conversations, as well, and they have information. They were fully aware of those complaints. And as I stated earlier, there is multiple reasons why Mr. Iglesias was removed as a U.S. attorney.

One factor of that was the complaints we were getting from local and state officials. The fact -- the complaint was that these high-profile cases were not being pursued or not being won. I think, as I said, there was 24 out of 25 counts were thrown out -- a really embarrassing loss for the government.

It is totally appropriate for the President to pass on these comments. But the Attorney General's office was

already fully aware of those, and those other factors. And I think it's important -- for important context in that regard is we were also receiving some complaints, as I said, about Wisconsin and about Pennsylvania. Yet we have not removed those U.S. attorneys. Other factors are considered before decisions are made, and I think that's an important distinction to make.

Peter.

Q Dan, what does it say about the administration, that you hire eight so ineffective prosecutors in the first place? (Laughter.)

MR. BARTLETT: These are --

Q I mean, these are your guys, right? I mean, what's the --

MR. BARTLETT: Well, they do, they serve at the pleasure -- that doesn't mean that at some point that he was doing well, but as the totality of his tenure there we felt like somebody else could do a better job. This is not about knocking him down as much it is, is saying, hey, somebody was given an opportunity to perform, we actually think somebody could do a better job. There are disappointments all the time when it comes to appointments, when it comes to people serving in various positions.

So I don't think that's a fair characterization. It's unfortunate it has to become so public. That was not the intent -- if you see the talking points that the Department of Justice was using when they gave this -- when they informed the U.S. attorneys, there was not talk about cause for removal, they didn't want to make this a big public embarrassment about the managerial decisions internally being made in the Department of Justice, which, unfortunately left a different impression as to why there were left.

But at the end of the day, you have to -- the American people expect nothing less than for us to critically judge those who serve our country. And if they're not serving up to par, then it's incumbent upon us to make a decision to remove them.

Q How much of that (inaudible) in the Cummings case when Karl's deputy, Griffin, was installed in his place --

MR. BARTLETT: That's a very different issue. That is one in which, as I said, because a U.S. attorney serves at the broad discretion of the President. Mitch Cummings had served a four-year term; thought it was important to give a new person to serve in that capacity. This is somebody that was a very skilled lawyer, somebody who had served in the U.S. Attorney's Office before, served over in Iraq as a military attorney, had all the credentials to serve our country well.

And those decisions are made, on occasion, because each of us -- myself and others, and members of the Justice Department, members of key agencies throughout our government -- serve at the pleasure of the President. And to give a new person an opportunity to serve is in the full prerogative of the Justice Department.

Q Can I ask a question -- switching gears -- on General Pace? What message do thousands of gays in the military right now serving in Iraq -- what should they take from General Pace's message regarding mortality, when their lives are on the line --

MR. BARTLETT: I have no way to identify whether your premise is right about how many people are serving in Iraq, but all I can say is the President appreciates the sacrifice and service of every service member, and what they're doing on a daily basis to improve the situation on the ground and we can accomplish our goals there.

Steve.

Q The Democrats are in an uproar over the -- here's a statement here from John Edwards, Gonzales betrayed his public trust. Do you think they're being fair in their criticism, or piling on, or what?

MR. BARTLETT: Well, I imagine before the day is out, every presidential candidate will call for his resignation. I think they'll be looking themselves as feverishly as possible to all get out there comments. And I know there's going to be a lot of partisan rhetoric around this and there's going to be breathless commentary about what has

happened here from these people who are trying to fight for a little bit of oxygen in this political atmosphere. But the bottom line is the facts speak for themselves. The reason why these U.S. attorneys were removed were for good reasons.

The issue about an incomplete picture being provided to the Congress by certain members of the Justice Department is something that needs to be corrected. The Attorney General has taken the proper action to correct that, to make sure it doesn't happen again. And I think that's what the American people would expect.

Q Can you talk about why some perceived failings by three of U.S. attorneys. What were the failings of Carol Lam in San Diego? Particularly in light of the successful prosecution of Randy "Duke" Cunningham and the ongoing prosecution of members of the Arellano Felix cartel?

MR. BARTLETT: Well, I'm not an expert on each one of these, the profiles of each one of these U.S. attorneys. I think in the Carol Lam case, there was a specific refusal to follow administration and Justice Department policy to pursue immigration cases. I'll correct the record if I'm wrong on the specifics of that. But you have to look at a lot of different factors, and if somebody is not pursuing Justice Department priorities, that is a reason and cause.

So I can't speak to those other cases because I don't know the details of them, whether they were successfully prosecuted or not. But if you have a situation where a U.S. attorney is consciously not pursuing Justice Department priorities, that has to be taken into consideration.

Q Dan, this is happening at a time when people are dropping like flies at the Pentagon, over at Walter Reed; the IG report says the FBI abused the national security letters; Scooter Libby was just convicted -- all these things are sort of happening at one time and it's just -- in your view, a reflection of where this presidency is at, at this point? Is it a reflection of the fact that it's a Democratic Congress with subpoena power that will be pursuing these matters? Just a bad streak? What's your sense of it?

MR. BARTLETT: Well, I think you're trying to connect a lot of dots that aren't connectable. They're all unique in their own circumstances of why they've happened. And the corrective action that's being taken in those various situations you've just described have been the appropriate ones.

But I don't -- I think if you look back at any presidency, issues like this come up all the time, particularly when we are such an active government that is engaged in the war and issues of national security letters and those things, in which we serve in an unprecedented time, where we're trying to prevent terrorists from attacking our homeland. These are tough, tense times. But that doesn't negate the fact that those who serve our country and serve in this administration have to live up to the highest ethical standards. And the President will insist on nothing less.

Jim. I'm going to take one more question after this.

Q Dan, in the October conversation, do you know how specific the President got with the Attorney General? Did he mention specific prosecutors' names?

MR. BARTLETT: He did not.

Q Have specific complaints that --

MR. BARTLETT: He did not mention his name.

Last question. I'm sorry?

Q Can I ask a Mexico-related question? (Laughter.)

MR. BARTLETT: I don't know what to do. (Laughter.) Sí.

Q Was the President surprised at the tone of President Calderón's remarks this morning? He had some fairly sharp criticism for the United States on immigration and drugs.

MR. BARTLETT: Not at all. In fact, since we have such a strong working relationship with Mexico, or Guatemala, or other Central American governments, who are very concerned about their fellow citizens who are living in the United States during this time. And it's -- the enforcement measures that the President discussed yesterday in Guatemala being taken are the appropriate ones. He thought it was important to make sure that people understand that no one specific country is being targeted in these raids, which is an important distinction to make.

But it's a very emotional debate. It's an emotional debate in our own country, and I'm sure it's a very emotional debate in this country, because the lives -- so many lives are affected, and children are affected, and moms and dads are affected. So that's why the President is so eager to get this issue resolved in a comprehensive way, not only for the fact that the concerns of people here in Mexico, but more -- just as importantly, and in many cases, more importantly, for the people of our country, that they understand that we will be a nation of laws, we will uphold the law. We'll make sure those who break the law are held accountable, at the same time that we meet the needs and demands of our growing economy, to make sure those jobs aren't being done by Americans can be filled, because it really has been the backbone of our economy in many ways, in many parts of the country.

So it's a volatile issue, it's a divisive issue in our own country, and it's not surprising that it would be in other countries, as well.

Q What about the fact that emotions are fairly high here over the sense of neglect that they feel the administration has paid to Mexico over the last several years? Are they right in feeling that we've kind of --

MR. BARTLETT: I don't think so. If we had -- many countries in which we could spend more time. The President is in high demand as the leader of the free world, the leader of the most powerful country in the free world. And it is always important when he gets to spend this personal time with leaders. But the special relationship we have with Mexico has been embodied in our -- the way we approached it from the beginning. It was the President's first trip as President, was to Mexico. One of the President's closest friends and advisors, Tony Garza, serves as the ambassador to this country. I think that demonstrates the type of importance he puts on this relationship.

We have met with, formally, President Fox many, many times and developed many, many strong relationships. And he looks forward to developing similar relationships with President Calderón, because the issues are very important. They not only affect the Mexican people, but they affect the American people, as well.

So it's a vital relationship. It's one the President takes very seriously. And I think the reflection of this visit will demonstrate, in style and in substance, how much he takes -- he understands the importance of it.

Thank you very much.

Q Can we expect any concrete agreement for any announcements about something, after the visit?

MR. BARTLETT: Well, a lot of things are already in motion on the security issues, on issues of how we can help in the areas of education and health care in which we're working in a collaborative way. I think you will -- you'll hear the two leaders talk tomorrow about the progress we're making on that. So I'll leave it to the leaders to speak about the conclusions of this meeting.

Thank you very much.

END 2:37 P.M. (Local)

Return to this article at:

</news/releases/2007/03/20070313-4.html>



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From: Miers, Harriet
Sent: Wednesday, December 21, 2005 10:59 AM
To: Klingler, Richard D.
Subject: RE: CA8

I would leave it in your hands in consultation with Matt until and if you feel I should speak with the Senator.

From: Klingler, Richard D.
Sent: Wednesday, December 21, 2005 10:23 AM
To: Miers, Harriet
Subject: CA8

For our Eighth Circuit seat issue, I believe the pieces are in place to go back to Sen. Bond's office.

We can indicate that we have heard and will work to satisfy Sen. Bond's request regarding a replacement for the U.S. Attorney in the W.D. Missouri. Scott Jennings indicates that Karl is fine with the replacement. Kyle Sampson indicates that DOJ is willing to accede to the replacement. The process there would be a gradual easing out of the incumbent through the EOUSA (I can discuss the precise process separately), with Sen. Bond's office to be told that he will be invited to suggest names for a replacement in the relatively near future.

As you indicated, we can also acknowledge that Missouri is underserved at the appellate level and indicate that the bill addressing the CA9 would be an appropriate occasion to seek to add a Missouri CA8 seat.

But we would also indicate that we cannot see the basis for taking a seat from Arkansas in light of the broad proportionality between the Arkansas caseload and the Arkansas representation on the CA8.

Please let me know if there is more that is needed and whether this message is one that I should communicate to staff or is one that you would wish to communicate to Sen. Bond.

RJC 00194-A

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June 9, 2009

Legal Affairs

Attorneys Scandal May Be Tied to Missouri Voting

by Frank Morris

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All Things Considered, May 3, 2007 · The Justice Department's push to remove U.S. attorneys in 2006 might have been larger than the eight cases that have been discussed in Congress. Other U.S. attorneys' names were on a list the agency compiled in January 2006 — the prosecutor who replaced one of them was the first to be named under the Patriot Act.

One of the federal prosecutors on the list was U.S. Attorney for Western Missouri Todd Graves. Graves resigned last year, before the forced dismissals took place. He left several months after refusing to sign off on a voter-registration lawsuit that was filed against the state of Missouri by an acting assistant attorney general, Bradley Schlozman.

Less than two weeks later, Schlozman was installed to replace Graves under a Patriot Act provision allowing President Bush to place Schlozman in the job without Senate confirmation.

Schlozman went on to bring voter-fraud charges against members of the liberal group ACORN, less than a week before the hotly contested Missouri Senate election.

In the ACORN case, workers there had been accused of submitting blatantly false registration forms. But by the time of Schlozman's filing, ACORN had fired the workers weeks earlier and turned them over to law enforcement officials.

Schlozman has now returned to Justice Department headquarters in Washington. He left Kansas City last month, just a couple of days before a federal judge threw out the lawsuit he brought against the state of Missouri.

U.S. Sen. Claire McCaskill (D-MO) says she'd like to hear more from Schlozman.

"What this all indicates," McCaskill says, "is that more questions need to be asked, and more answers under oath need to be given."

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4 of 1000 DOCUMENTS

USNEWS.com

March 19, 2007 Monday

Note to Gonzales on CIA Prosecution Preceded Firing of U.S. Attorney

BYLINE: Chitra Ragavan

LENGTH: 1859 words

On May 11, 2006, Kyle Sampson, then chief of staff to Attorney General Alberto Gonzales, sent a confidential E-mail to the White House counsel's office regarding the "removal and replacement" of U.S. attorneys whose four-year terms had expired, including the U.S. attorney in San Diego, Carol Lam: "The real problem we have right now with Carol Lam," Sampson wrote, "that leads me to conclude that we should have someone ready to be nominated on 11/18, the day her 4-year term expires."

So what was the "real problem" that Sampson thought the administration had with Lam?

U.S. News has learned that on May 10, one day before Sampson's E-mail to the White House counsel's office, the U.S. attorney's office in San Diego alerted the Justice Department that the FBI would execute search warrants in two days for the No. 3 official at the CIA, Kyle "Dusty" Foggo, in connection with the spiraling corruption probe into former Republican Rep. Randall "Duke" Cunningham of California.

Now Democratic members of Congress want to know whether that alert triggered Sampson's E-mail and whether Lam's firing and those of seven other federal prosecutors were politically motivated. Sampson's E-mail, sent one day after the alert, raises serious questions as to whether the CIA tried to intervene in a politically charged investigation and tried to get Lam fired.

In politically sensitive cases, the U.S. attorney's office notifies senior Justice Department leadership of developments in the case by sending what's known as an urgent report.

In this case, the U.S. attorney in San Diego sent an urgent report to Gonzales and Deputy Attorney General Paul McNulty at 10:16 a.m. on May 10, notifying them of the imminent search. Foggo was under investigation for allegedly accepting gifts and favors from his best friend, a defense contractor named Brent Wilkes, who also allegedly was bribing Cunningham. Wilkes had close ties to prominent Republicans. Both Wilkes and Foggo have since been indicted by a federal grand jury on corruption charges. Both have pleaded not guilty.

Although the FBI had worked closely with the CIA in connection with targeting CIA spies like Aldrich Ames, never in the agency's history had such a search warrant been issued against such a high-level CIA official for nonespionage criminal conduct. And the prospect of it raised alarming institutional concerns. Before becoming the No. 3 official at the CIA, Foggo had served in the Directorate of Operations, and he had access to enormously sensitive secrets.

The Justice Department is expected to release more than 400 pages of E-mails and other documents today relating to the U.S. attorney firings. The urgent report of May 10 and Sampson's E-mail of May 11 will become crucial pieces of evidence in trying to determine whether the Bush administration acted improperly and fired Lam and other U.S. attorneys to squelch politically sensitive public corruption cases.

U.S. attorneys serve at the pleasure of the president. But although they are political appointees, there is supposed to be a firewall that allows them to make decisions in criminal investigations without regard to politics.

Justice Department spokesman Brian Roehrkasse told *U.S. News* that the firings were unrelated to the ongoing public corruption case.

"We have stated numerous times that no U.S. attorney was removed to retaliate against or inappropriately interfere with any public corruption investigation or prosecution," says Roehrkassee. "This remains the case, and there is no evidence that indicates otherwise."

Roehrkassee points out that during that same period, two prominent members of Congress, Darrell Issa and Dianne Feinstein, had sent letters to the Justice Department expressing displeasure at Lam's failure to crack down on human smugglers. But Feinstein says that Lam, along with five other prosecutors, got positive performance reviews and believes these firings, including Lam's, were politically motivated.

How the CIA's growing concerns about the involvement of one of its most senior officials in a bribery scandal that also had tawdry sexual overtones played into the growing pressure to fire Lam will be a question that Congress will ask in coming months.

Sampson's lawyer did not provide an answer as to what Sampson meant by his cryptic "the real problem" description of Lam.

CIA spokesman Mark Mansfield told U.S. News that the CIA had helped investigators with the Wilkes-Foggo-Cunningham probe.

"Allegations concerning this matter first surfaced inside the CIA, and the Office of the Inspector General launched an investigation," says Mansfield. Subsequently, Mansfield said, that investigation became linked to the criminal probe being conducted by Lam's office.

"And at every step of the process," said Mansfield, "the CIA, through the Office of the Inspector General and the general counsel, has cooperated closely with other investigative agencies and the Department of Justice. And that cooperation continues today."

Indeed, federal law enforcement officials told U.S. News that the CIA had been extremely helpful on a number of levels. However, even though the CIA was part of the investigative team, so sensitive was the Foggo probe that as is customary in most criminal investigations, the U.S. attorney's office had taken enormous pains to keep the CIA in the dark about what its next move would be, these federal law enforcement officials said. The agency was not notified about the impending search warrants until May 12, the morning they were executed. But for two weeks prior to the search, there were a series of explosive stories in the paper, linking Foggo to Wilkes and Cunningham.

On April 28, what came to be known as the "Hookergate" scandal broke, alleging that Cunningham and Foggo had attended poker parties at the Watergate Hotel and that prostitutes were involved. CIA Director Porter Goss denied any involvement.

On May 2, Foggo confirmed that he had attended the parties, and two days later, the Watergate Hotel was subpoenaed. On May 5, the Wall Street Journal reported that Foggo, whom Goss had installed as the No. 3 official, was under criminal investigation. That same day, Goss resigned, although the White House and the Justice Department took pains to emphasize that the resignation was unrelated to the probe. Three days later, Foggo resigned. By then, the U.S. attorney's office had notified the CIA inspector general's office that it was mulling over possible search warrants.

The U.S. attorney in the Eastern District of Virginia also had been notified, because Shirlington Limo Co., which allegedly had shuttled the prostitutes to the party, was based in Virginia.

On May 10, the U.S. attorney's office sent the urgent report to Gonzales and McNulty. The following day, the Los Angeles Times reported that the Cunningham investigation had expanded further to include another California congressman, Rep. Jerry Lewis.

That same day, Sampson asked the White House counsel's office to call him about "the real problem we have right now with Carol Lam." The following day, the FBI executed search warrants on Foggo's home and office.

Wilkes and Foggo were indicted on February 14--one of Lam's last gestures--on corruption charges. The 11-count indictment alleged that Wilkes had treated his friend to private jet flights and luxurious vacations, and that he had a job offer waiting for his best friend when he left the CIA.

Some have speculated that Lam was fired because her investigation had targeted so powerful a congressman as Lewis. Other sources have said that Wilkes, through his high-powered Republican friends and his CIA ties through Foggo, was exerting enormous pressure on the White House to get rid of Lam and somehow end the probe.

Wilkes allegedly gave Cunningham millions in bribes and favors, including \$525,000 to pay off a mortgage on Cunningham's new home and access to prostitutes. In exchange, Cunningham helped Wilkes obtain lucrative Pentagon contracts. Similarly, in exchange for lavish gifts--including a \$44,000 one-week stay at a Scottish castle--prosecutors alleged that Foggo pressured his subordinates to give lucrative CIA contracts to Wilkes and his company ADCS Inc.

Between 1995 and 2005, Wilkes and his associates spent at least \$600,000 on political contributions and more than \$1 million on lobbying prominent Republican lawmakers. Among other things, Wilkes hired the Alexander Strategy Group to the tune of more than \$600,000 to lobby for lucrative defense contracts. That firm had direct access to then House Majority Leader Tom DeLay, who was indicted by a Texas grand jury on alleged campaign finance shenanigans. DeLay said the charges were politically trumped up. Subsequently, two of his aides were indicted in the Jack Abramoff Indian casino lobbying scandal.

Put simply, the Cunningham probe had slowly extended its ever growing tentacles into the highest reaches of the Republican Party and now suddenly had expanded to target Foggo at the CIA.

"The phone calls would have been flying," says a former Justice official who has worked closely with the CIA. "The CIA would be jumping up and down and putting pressure to stop it or slow it down."

Many intelligence sources say the concern would not have been over Foggo personally--because he was generally "despised"--but that the CIA would have had an institutional interest in keeping itself out of any scandal.

"There would have been a two-pronged attack," says the former Justice official, "to protect the agency and to get rid of Lam." Even though Foggo had quit the agency, he still had many friends there who viewed themselves as being at risk.

"It's second nature to the CIA," says the former official. "Somebody's causing trouble. Get rid of them."

Although a CIA official described such a possibility as baseless, it does in fact have a precedent--and strangely enough, that precedent also was set in the San Diego U.S. attorney's office--more than two decades ago.

In 1982, the CIA pressured President Ronald Reagan to fire U.S. Attorney William Kennedy, who wanted to indict Miguel Nazar Haro, the former chief of the Federal Security Directorate--Mexico's secret police--for his involvement in an \$8 million car-theft ring that had smuggled about 600 stolen American cars and vans from Southern California to Mexico. Kennedy complained that the CIA was blocking the indictment because, as it turned out, Haro was the agency's asset in Mexico City. Kennedy also accused the Justice Department of dragging its feet on the indictment because of the CIA pressure. After Kennedy was fired, says the former Justice official, senior CIA officials "acted like gunslingers" and warned other Justice officials not to take on the agency or a similar fate could befall them.

But an intelligence official from another agency, who is familiar with the Haro case, said that it had taken place a long time ago, when times were very different. Today's CIA, he said, would not be stupid enough to pull off such a tactic. But when that search warrant was served, says the former Justice official, the CIA would have been stunned.

"In the words of Bart Simpson," he said, "they were having a cow."

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From: Roebke, Heather M.
Sent: Monday, August 21, 2006 1:42 PM
To: Miers, Harriet
Subject: RE: John McKay

Yes, you were both scheduled to interview a Staff Assistant candidate (Landon's old position) at 1:30pm tomorrow, but I'll move him to make room for John McKay. Do you have his waves info or do I need to call McKay's assistant for it?

From: Miers, Harriet
Sent: Monday, August 21, 2006 1:41 PM
To: Roebke, Heather M.
Subject: John McKay

is coming to see me at 1:30 tomorrow and Bill should attend then also. Is he available?

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**QUESTIONS FROM SUBCOMMITTEE CHAIR LINDA SÁNCHEZ
FOR JOHN McKAY**

1. Several press reports quoting you have referred to a meeting you had with White House Counsel Harriet Miers and her deputy in 2006 concerning your interest in being nominated to be a federal judge in Washington, and to complaints from Republicans concerning the 2004 Washington gubernatorial election that were discussed at the meeting. Please describe in full any meeting you had with Ms. Miers or any other White House employees on the above subject, including but not limited to the dates and locations of each such meeting, who was present, and what was said by whom.

On or about August 22, 2006, I met in the White House Counsel's office with then White House Counsel Harriet Miers and Deputy White House Counsel William Kelley. No other persons were present. The meeting occurred at my request to seek consideration for appointment as U.S. District Judge for the Western District of Washington. Prior to seeking the meeting, I was aware that the White House Counsel's office had heard or believed that I had "mishandled" the 2004 Governors election in Washington state by not seeking indictments for election fraud, voter fraud or other federal crimes (*see answer to question no. 2, below*). This meeting lasted approximately 45 minutes, and began with Mr. Kelley asking me why "Republicans in the state of Washington" were upset with me. I described the merit selection committee process in which I had participated in the preceding months, including my understanding that the three Republican committee members had blocked my application, in spite of having widely been considered the leading candidate for the position. I explained that I did not know the reasons for this, but that others were speculating that I was being punished for failing to intervene and assist the election of the unsuccessful Republican candidate. Both Mr. Kelley and Ms. Miers expressed consternation over this situation and they repeatedly indicated they could not understand why I was not among the three candidates recommended to the President for nomination. I took this opportunity to remind them of my qualifications and experience, including my service as United States Attorney, and that I hoped I could still be considered for nomination by the President. I believed that I was given a full and fair opportunity to make my case, and at the conclusion of the meeting, Ms. Miers escorted me to the door, thanking me for my years of service as the former President of the Legal Services Corporation.

2. Press reports have also quoted you as stating that someone in the White House referred to "criticism" that you "mishandled the 2004 election." Please state your understanding of who made that remark to whom and when and on what basis it was made.

Before seeking a meeting with the White House Counsel, I was advised that the Counsel's office was reporting within the White House that they were aware that I had allegedly "mishandled" the 2004 Governors election, and was therefore not one of the three recommended candidates for judge. In response, I submitted a detailed

memorandum of activities undertaken by my office in connection with the 2004 Governors election and submitted it to the Counsel's office.

3. Please describe any conversations you had with officials at the Department of Justice relating to your termination as U.S. Attorney that occurred after the notification you received on December 7, 2006. This should include, but not be limited to, a conversation that the press has reported that you had with Michael Elston and your conclusion, as reported in the press, that Mr. Elston was suggesting a "deal" or "quid pro quo." Your description of each conversation should include, but not be limited to, who initiated each call, who participated, and what was said by whom. In addition, if you discussed any of these calls with any of the other former U.S. Attorneys who testified at the hearing, please describe any of these conversations.

On January 17, 2007 at 2:30pm while still serving as U.S. Attorney, I received a telephone call from Michael Elston, the Chief of Staff to Deputy Attorney General Paul McNulty. Mr. Elston proceeded to make a number of statements using a familiar tone which I did not appreciate in light of the circumstances, and related that "no one could believe that they had not seen any incendiary comments from John McKay". I did not respond. He then indicated that the Attorney General would be holding to general statements about U.S. Attorney resignations in his upcoming testimony before the Senate Judiciary Committee, and that they had been advised by "OPA" that they could say no more than this about the circumstances of our removals, including our forced resignations. I did not respond. He volunteered that it was "never our intention" to avoid Senate confirmation with our replacements. Although I did not believe him, I did not respond. He then asked if, "you have any more questions?" I then reminded him that he initiated the call, and that I had not asked him or any other Dept. of Justice official any questions and that his call seemed strange coming more than a month after my dismissal having received no other calls. I greatly resented what I felt Mr. Elston was trying to do: buy my silence by promising that the Attorney General would not demean me in his Senate testimony. I clearly and slowly told Mr. Elston that his description of what the Attorney General would be saying would have NOTHING to do with what I said or didn't say publicly. I told him that my silence thus far was because I believed it was my duty to resign quietly because I served at the pleasure of the President, and that I did not want to reflect poorly on him or the Department of Justice. I told him that nothing he could say in Washington D.C. could demean me in Seattle, and made clear that I did not appreciate his offer. My handwritten and dated notes of this call reflect that I believed Mr. Elston's tone was sinister and that he was prepared to threaten me further if he concluded I did not intend to continue to remain silent about my dismissal. Shortly thereafter, I believe within the hour, I spoke by telephone with Paul Charlton, U.S. Attorney for the District of Arizona and related the call and my conclusion that I was being threatened by Mr. Elston.

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Sampson, Kyle

From: Sampson, Kyle
Sent: Friday, December 08, 2006 7:04 PM
To: William_K_Kelley@who.eop.gov
Cc: Harriet_Miers@who.eop.gov; Debbie_S_Fiddelke@who.eop.gov
Subject: Re: Nevada US Atty

Thx for the heads up.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Kelley, William K. <William_K_Kelley@who.eop.gov>
To: Sampson, Kyle
CC: Miers, Harriet <Harriet_Miers@who.eop.gov>; Fiddelke, Debbie S. <Debbie_S_Fiddelke@who.eop.gov>
Sent: Fri Dec 08 18:33:17 2006
Subject: Nevada US Atty

Heads up about disgruntlement in Nevada. Sen. Ensign's COS informs me that the Senator is very unhappy about the decision to let Bogden go, very unhappy about its timing, and doesn't understand the urgency. They say that they have confirmed about 6 judges, 5 marshals, and 1 US Attorney, and it hasn't taken less than 9 months for a single one of those confirmations to be accomplished in a Republican-controlled Congress. Why, they ask, leave the office in the hands of an interim person during that period when it could have been Bogden?

I explained to him our thinking at some length. But they are unsatisfied, and the COS said that Ensign would be calling the AG to make sure that Bodgen, who they say has done a great job for Nevada, gets a fair shake.

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4.11.05

AIRTEL

Harriet -

Here's a good summary of
the clips on Wisconsin vote
fraud. I was assured Saturday
while I was in Milwaukee that
the issue of more voters than
people on the registration list is
real - even the local newspaper
has assigned an investigative
reporter and run articles focusing
on non-existent addresses (and
omitted felon voters).

Gene

HJC 00172-A

FRAUD IN WISCONSIN 2004 **A TIMELINE/SUMMARY**

Prepared by Chris Lato, RPW Communications Director clato@wisgop.org

AUGUST 31, 2004

Processing voter forms irk clerks

Efforts to attract young people to the polls are becoming a royal pain for Wisconsin's municipal clerks, who are sorting through hundreds of incomplete voter-registration forms ... The forms, collected by the New Voters Project, a non-partisan effort to register 265,000 18- to 24-year-olds in Wisconsin and five other battleground states, landed with a thud on the desks of clerks across the state Monday, leaving municipal officials scrambling to catch up. Because nearly all of the forms arrived without proof of identification - which is required for new voter registrations - the clerks must mail individual responses asking for it ... All of this in a state where voters can register at the polls on election day by showing a Wisconsin driver's license, residential lease or utility bill ... One of the biggest backlogs is in Racine, where 250 registration forms arrived Monday courtesy of the New Voters Project. Add that to the 700 voter forms turned in last week from Project Vote, and Acting Clerk Carolyn Moskonas says she may not be able to contact everyone who needs to show ID before the Sept. 14 primary election ... To be ready for the primary election, municipalities have to print out their voter rolls next week. That leaves clerks and their staffs scrambling to handle all the new registration applications in time ... In Brookfield, more than 300 forms arrived in two large envelopes ... New Voter Project applicants are being asked to provide proof that they live in Brookfield, or will have to prove it at the polls ... One clerk who did not sound appreciative on Monday was Carla Ledesma in Wauwatosa. She said some of the 450 registration forms received there were dated as far back as June. None has the required ID, she said. "To get 450 dumped in your lap that have been sitting around somewhere for six weeks is really disconcerting," she said ... The bad news, at least for Racine, is that Project Vote has 600 more voter applications that will be mailed today, according to Damien Jones, the group's Racine and Kenosha coordinator. <http://www.jsonline.com/news/state/aug04/255239.asp>

SEPTEMBER 28, 2004

Project Vote filed 1,389 voter registration applications in Racine prior to the Sept. 14 primary. More than 20% had problems, according to the city clerk's office:

- Six were for residents who told the city clerk's office they had not signed the forms or authorized them to be filed.
 - 230 applications contained addresses that don't exist or are outside of Racine.
 - 96 could not be processed because they were missing information.
 - Signatures on applications purporting to be for Danielle Pflugrad, Paul Pflieger and Henry Pflieger were "suspiciously similar." All three were already registered to vote.
- About 150 of the applications rejected by the clerk's office were reviewed by the Milwaukee Journal Sentinel:
- Eighty had addresses that don't exist or are outside of Racine.
 - One application attempted to register Tasha Jackson, but the signature on the form was Jackson Tasha.
 - Signatures appeared similar on three forms purporting to apply for Albert Wells of Austin St. One Project Vote employee dated one application Aug. 4; the other two applications, filed by two other Project Vote employees, were dated Aug. 6.

Project Vote filed 483 more applications in Racine last week that have not yet been reviewed by the clerk's office.

Voter registration drive comes under scrutiny

A group that says it has registered 30,000 voters in southeastern Wisconsin could face a criminal investigation because of voter registration applications that may have been filed fraudulently. Acting Racine City Clerk Carolyn Moskonas said Tuesday she will ask the district attorney's office to investigate at least six voter registration applications filed by Project Vote... That non-profit organization, which also has filed scores of Racine applications that contain bogus addresses, has fired its Racine-area coordinator because of problems with the filings... The same problem has surfaced in neighboring Caledonia, said Town Clerk Wendy Christensen. She has asked Caledonia police to investigate cases in which four residents said they had not signed applications turned into the clerk's office, including at least two submitted by Project Vote... Whether the possibly fraudulent voter registration applications could lead to any widespread voter fraud seems unlikely, because anyone wanting to vote in someone else's name would have to know which faked applications were processed, Moskonas and Christensen said. But they said they could not guarantee that they will catch all of the applications that have problems... Project Vote - which pays workers \$7 an hour and \$1.50 per application after they reach a quota - has filed nearly 1,900 voter registration applications with the city in the past couple of months... Project Vote targets first-time voters and the "disenfranchised" and has filed 30,000 voter registration applications in Milwaukee, Racine and Kenosha. <http://www.jsonline.com/news/racine/sep04/262511.asp>

SEPTEMBER 30, 2004

2 voter registration workers in court on criminal charges

Racine - Two people implicated in possibly fraudulent voter registrations here are being prosecuted for unrelated crimes, court records show. Both of those workers are Milwaukee residents who, like other Project Vote workers, are paid \$7 an hour and, after meeting a quota, \$1.50 for each voter registration application they file. They could not be reached for comment... Also Wednesday:

- Acting Racine City Clerk Carolyn Moskonas asked the district attorney's office to investigate irregularities in several voter registration applications filed by Project Vote. In seven of the cases, residents told the clerk's office that they had not signed the forms that were filed in their names. Deputy District Attorney Michael Nieskes said the Racine County Sheriff's Department and local police would investigate. He said he had been in contact with the state Elections Board and expects that a state Department of Justice investigator also would participate.
- Moskonas revoked the "deputy registrar" designations the city had given to four Project Vote workers including the two facing the unrelated criminal charges - because of "problems and irregularities" with voter registration forms they filed.
- Doris Alexander, head of Project Vote's Milwaukee office, said she had terminated all of the workers who registered voters in Racine. She sent the group's new Racine coordinator and several newly hired workers to Racine on Wednesday to take the mandatory city class for registering voters.

Project Vote workers were certified by the City of Racine as registrars after completing a city class and swearing that they would conduct their work honestly. The group submitted 1,389 voter-registration applications in Racine before the Sept. 14 primary election and 483 more last week that have yet to be reviewed by the city clerk's office. <http://www.jsonline.com/news/racine/sep04/262820.asp?format=print>

OCTOBER 1, 2004

Deputy registrar may have violated state election law

A Milwaukee man who worked in a Racine voter registration drive said Thursday he never met with any of the people whose voter registration applications he signed... A prosecutor and two election officials said that, if true, such action by the fired employee of Project Vote appears to be a clear violation of state

election law on voter registrations... Robert Marquise Blakely, 23, of Milwaukee was one of a handful of Project Vote workers who became a deputy registrar in Racine by taking a class over the summer at the Racine city clerk's office. His name appears on numerous Racine voter registration applications, but the clerk's office could not estimate how many... Reacting to earlier news this week about Project Vote's problems in Racine, the state Republican Party asked the state Elections Board to create emergency rules to ensure that the Nov. 2 election goes smoothly... But the Elections Board director said such rules are not necessary and are not likely to be adopted, and leaders of the state Democratic and Libertarian parties said they would not support the proposal. <http://www.jsonline.com/news/racine/sep04/263174.asp>

OCTOBER 2, 2004

Milwaukee seeks voter form probe

The Milwaukee Election Commission has asked the district attorney's office to review 21 voter registration applications that are "suspicious," officials confirmed Friday. The request appears to be similar to one made this week by Racine officials, who asked the Racine County district attorney's office to investigate seven voter registration applications filed by a group called Project Vote. Lisa Artison, executive director of the Milwaukee Election Commission, could not be reached... Patrick Curley, chief of staff to Milwaukee Mayor Tom Barrett, said that while the suspicious applications raise concern, there is no evidence of widespread voter registration problems... Concerns about voter registration drives, which are operating at unprecedented levels in some Wisconsin cities, were raised this week because of the problems in Racine. The local director of Project Vote, which says it has filed more than 1 million voter registration applications in 25 states, said the group's entire Racine staff was fired because of the problems... Acting Racine City Clerk Carolyn Moskonas and Kevin Kennedy, executive director of the state Elections Board, said this week that they don't believe the problems uncovered in Racine indicate any risk of widespread fraud in the Nov. 2 election. They agreed, however, that the glut of voter registration applications filed this year - estimated by Kennedy at 200,000 statewide - makes reviewing the applications more difficult... Earlier Friday at a Milwaukee city budget hearing... Artison said she made it clear "any voter registration where fraud is a possibility will be immediately referred to the Milwaukee County district attorney's office." <http://www.jsonline.com/news/metro/oct04/263415.asp>

OCTOBER 20, 2004

RPW NEWS RELEASE: FELONS ILLEGALLY VOTING, REGISTERING TO VOTE IN WISCONSIN

Wisconsin's county sheriffs, district attorneys, election officials and U.S. Attorneys are being called upon to ensure felons locked up in county jails are not allowed to illegally vote absentee in the current election, after at least one felon in the Dane County Jail illegally voted via absentee ballot, and 12 others received absentee ballots. The Republican Party of Wisconsin has confirmed that the felons obtained the ballots through a voter registration drive conducted at the jail. As of today, Madison election officials reported that they had not yet received the ballots in question, but RPW has reason to believe at least one has already been sent from the jail. In Wisconsin, it is a felony for convicted felons to vote until after they have completed their probation and parole terms... According to today's *Milwaukee Journal Sentinel*, nearly 200 voters in at least 2 county jails - in Dane and Racine Counties - have been registered to receive absentee ballots. The story goes on to report that there is little or no oversight, and that election supervisors in both places would not conduct background checks on jail inmates who are registering to vote and seeking absentee ballots.

OCTOBER 26, 2004

RPW NEWS RELEASE: DEMS ORDER COFFEE WITH THEIR KRINGLE IN BRIBERY 'VOTE-A-THON'

A flyer for a Democrat-themed 'vote-a-thon' planned for this Saturday on the state Capitol square in Madison fails to disclose who is funding the effort and promises free coffee at a local restaurant for taking part, in potential violation of state law. The flyer urges people to 'gather and go' to the City-County Building in Madison. The flyer includes cartoon images of donkeys but has no legally-required disclaimer that highlights who is behind the political effort. The flyer also promises free coffee at the nearby Sunprint Café, which typically charges \$1.50 (tax included) for coffee. Wisconsin Statute 12.11 defines election bribery as "... any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds \$1." (*Emphasis added*) "Unfortunately, the Democrats are increasingly relying on the troubling and illegal practice of bribery to rustle up votes," Republican Party of Wisconsin Executive Director Darrin Schmitz pointed out. "After the 'smokes for votes' case in 2000 and the Jim Doyle campaign's shameless bribery of the mentally disabled with quarters and kringle in 2002, it appears the Democrats are back to their old law-breaking tricks."

Voter drive using kids draws fire

Hundreds of public schoolchildren, some as young as 11, are taking time out of regular classes to canvass neighborhoods in Milwaukee, Madison and Racine in a get-out-the-vote effort organized by Wisconsin Citizen Action Fund - a group whose umbrella organization has endorsed John Kerry for president. The coalition says the effort is non-partisan, but because the group is targeting minority neighborhoods and those with historically low voter turnout - overwhelmingly Democratic areas - Republican operatives are crying foul amid the highly charged political atmosphere in the state. "They are exploiting schoolchildren on the taxpayers' dime to conduct what is clearly a Democratic, partisan get-out-the-vote effort," said Chris Lato, communications director for the Republican Party of Wisconsin. "To spend this time on a clearly partisan effort when these kids should be in school learning is shocking. It's a disgraceful use of taxpayer money." The idea for the program was developed by Larry Marx, co-executive director of Wisconsin Citizen Action, a public interest group whose mission is to "unite the political clout of its 74,000 individual members and 207 affiliate organizations into a significant grass-roots force for social change around key issues and elections in Wisconsin." The program is part of the schools' curriculum and is endorsed by Elizabeth Burmaster, the superintendent of the state's Department of Public Instruction. That job is non-partisan, but Burmaster was elected to it in 2001 with support of groups that traditionally back Democratic candidates. Countered Lato: "Anyone claiming this is non-partisan is being amazingly disingenuous." Students are going door to door and using phone banks to call homes urging citizens to register to vote and to remind them where the polling places are. On election day, hundreds of students plan to go out into the community to induce people to go to the polls. Ringing doorbells in Ward 231 in Milwaukee's far south side on Tuesday morning, Trenise Johnson, 11, and a dozen of her classmates at Wisconsin Conservatory of Lifelong Learning, missed a variety of classes, including science, math and reading. Bob Hudék, Wisconsin Citizen Action Fund's co-executive director, said the reference to the Kerry endorsement was removed to make room on the Web site for information about polling locations. "Our members are pretty clear about where we stand on the candidates," he said. When they go door to door, students are instructed not to discuss their personal political views. But that has not always been the case, said Dave Weingrod, a Wisconsin Citizen Action Fund member who has organized children at Milwaukee Education Center Middle School. "We try and steer clear of political discussions, but . . .," he said as his voice trailed off. "I'm sure some conservatives could make a lot out of this. But our motives are entirely pure." Likewise, Georgia Duerst-Lahti, chairman of the political science department at Beloit College, said she finds merit in the program, but she wishes the people at Wisconsin Citizen Action would not "pretend they are not partisan." "It's a liberal, lefty kind of group, and everyone knows it," she said. Any get-out-the-vote effort, especially in urban areas, is likely to help the Democrats, said Duerst-Lahti. "There is absolutely a partisan aim here," she said. <http://www.jsonline.com/news/metro/oct04/269887.asp>

OCTOBER 27, 2004

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stand. In nine of those cases, the GOP said voting records showed someone was listed as having voted from that address in recent elections ... A Journal Sentinel review Thursday of many of the names and addresses confirmed some of the problems cited by the GOP, as well as uncovered additional missing addresses. ... "This is a black eye on the city of Milwaukee and the state of Wisconsin," GOP Chairman Rick Graber said. "These 5,600 addresses could be used to allow fraudulent voting. Whether it's deliberate or not, something's wrong when you have people from addresses that don't exist." ... Left undetermined Thursday: How many of the challenged addresses are actually non-existent and how many represent clerical errors, now-demolished buildings or attempts to vote fraudulently ... The 5,619 addresses cited by the GOP represent about 1.5% of the 386,527 registrants, a number that now may be more than 400,000 based on the 20,000 new registrants officials cited this week ... The Journal Sentinel on Thursday reviewed some of the questionable addresses cited by Republicans to determine the validity of their complaint ... Of the 34 properties that the GOP highlighted in its complaint, the newspaper could not locate 26 addresses or the voters' names associated with those addresses. The other eight instances appear to be typographical errors in which the voters' addresses were incorrectly listed on the voter registration rolls ... The newspaper also attempted to locate 74 other addresses among the 5,600 listed in the GOP complaint and determined that 68 of them didn't exist. <http://www.jsonline.com/news/metro/oct04/270603.asp>

OCTOBER 29, 2004

Vote inquiry sharpens focus

Amid a renewed push Friday by Republicans to get some 5,600 names removed from Milwaukee voting lists, prosecutors began examining 500 new registrants that a city review indicated are from non-existent addresses ... The same review by the city attorney's office, however, raised doubts about the quality of the GOP's original list, finding that hundreds of the addresses that the Republicans claim are invalid and want removed do, in fact, exist. Some others, according to City Attorney Grant Langley, can be explained by data entry errors, not attempted fraud. Meanwhile, city and state officials are working this weekend to establish a safeguard system that will - by Tuesday - highlight any addresses still in question ... "Nobody is disputing the vast majority of these are bad addresses," said Chris Lato, a spokesman for the state GOP. He said the party was working with the city to review the list, questioned the notion it had significant problems and noted that on Friday they found more bad addresses ... At least some of the addresses will be investigated for possible fraud ... State officials, who intervened as a result of the GOP appeal, were working with the city to create a system by which poll workers would check the identification of anyone attempting to vote from possibly non-existent addresses and, if none was provided, allow them to cast rare "challenge ballots." Lato said the party had not signed off on the concept, though its appeal lays out some similar alternatives to removing all the addresses, which include numerous vacant lots and, in one case, a gyros stand ... Langley, like Mayor Tom Barrett, acknowledges there are non-existent or suspect addresses on the GOP list. But they say it is due to many factors, not a case of massive voter fraud as some have intimated. Lato acknowledged human error may be a factor in the bad addresses but noted they are an invitation for fraud: "As long as they're on the list, somebody can vote from them." <http://www.jsonline.com/news/metro/oct04/270904.asp>

RPW NEWS RELEASE: RPW SEEKS ELECTIONS BOARD ACTION ON PHANTOM MILWAUKEE ADDRESSES

The Republican Party of Wisconsin (RPW) today called on the state of Wisconsin Elections Board to overturn the decision by the Milwaukee Election Commission to ignore the 5,619 addresses on the city's voter registration rolls that do not exist, according to a review conducted by RPW. The motion calls on the Elections Board to act immediately to protect thousands of non-existent Milwaukee addresses from being considered legitimate by poll workers on election day. A sample of 74 of the addresses inspected by RPW was also examined independently by the *Milwaukee Journal Sentinel*. The newspaper's review, published today, found 68 of the addresses they surveyed - or 91.89% - could not be located. Other areas of concern:

- Thousands of non-existent or highly questionable addresses are currently on the City of Milwaukee's voter registration rolls. The Milwaukee City Attorney, Mayor Tom Barrett, the

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- Milwaukee County District Attorney and the *Milwaukee Journal Sentinel* all acknowledge a large number of bad addresses exist, potentially allowing for election day abuse.
- Numerous reports of felons voting, registering to vote and acting as voter registration deputies in Racine, Dane and Milwaukee counties.
 - The disenfranchisement of Wisconsinites currently in the military overseas, some of whom have yet to receive their ballots due to Democrat legal actions aimed at kicking Ralph Nader off the ballot, or received their ballots too late to be counted on election day.
 - The decision of the Madison Mayor and City Clerk, in direct consultation with the John Kerry campaign, to keep late office hours on the same day as a Kerry rally in Madison last week to allow rally attendees to vote absentee after the rally. This blatant use of taxpayer resources on behalf of a partisan political campaign fizzled, however, when the number of voters failed to come anywhere near anticipated levels.
 - The use of children as young as 11 years old, during regular school hours, to canvass for voters on behalf of Wisconsin Citizen Action, a left-wing group that has endorsed Democrat John Kerry. Public outcry was so strong that the Milwaukee Public School system halted the program one day after it came to light in the *Milwaukee Journal Sentinel*.

OCTOBER 30, 2004

GOP demands IDs of 37,000 in city

Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded Saturday that Milwaukee city officials require identification from all of those voters Tuesday. If the city doesn't, the party says it is prepared to have volunteers challenge each individual - including thousands who might be missing an apartment number on their registration - at the polls. The move, which dramatically escalates the party's claims of bad addresses and potential fraud, was condemned by Democrats as a last-minute effort to suppress turnout in the city by creating long delays at the polls. City officials, who already were trying to establish safeguards in response to the party's claim of 5,619 bad addresses, were surprised by the 37,180 number, nearly seven times larger. "It's not a leap at all to say the potential for voter fraud is high in the city, and the integrity of the entire election, frankly, is at stake," said Rick Graber, state GOP chairman. "The city's records are in horrible shape." Any inaccurate address, he said, is an opening for someone to cast a fraudulent vote. However, many of the new addresses now cited might be eligible voters who have voted for years without problems. City Attorney Grant Langley labeled the GOP request "outrageous." ... The same list generated about 13,300 cases where incorrect apartment numbers were listed, and some 18,200 more cases where no apartment number was listed for an existing building. However, the party didn't include any of those in its original challenge, filed three minutes before the 5 p.m. Wednesday deadline. ... Democrats say the effort is designed to give the impression it will be difficult to vote in Milwaukee, in hopes of giving an advantage to President Bush over Democratic Sen. John Kerry. ... The new addresses offered Saturday by Republicans muddled an already complicated matter and could slow down attempts under way to institute safeguards on the initial list. ... In conjunction with the Milwaukee County district attorney's office, the city attorney's office began reviewing the 5,619 names Friday. It found many cases where an address does not exist but also hundreds where it believes an address does exist. ... The *Journal Sentinel* reviewed 74 of the addresses on the original list and found 68 of those do not exist. Others, though, were likely to be clerical errors. ... Citing its expanded list, the GOP argues any address deficiency, such as no apartment number listed, constitutes an invalid registration. ... Lisa Artison, head of the city Election Commission, said she takes any challenge or claim of fraud seriously. ... Langley indicated Friday the district attorney's office was reviewing about 500 new voter registrations that appear to be from non-existent addresses. <http://www.jsonline.com/news/metro/oct04/271173.asp>

Newest voter list contains non-existent addresses

As the state Republican party raises questions about the validity of addresses on Milwaukee's voter rolls, a just-released list of newly registered voters contains at least two dozen non-existent addresses, a *Journal Sentinel* review has found. The newspaper asked the city's Election Commission for a list of all voters who had registered to vote since April 6. The city on Friday provided a list of 16,408 names and addresses.

Using the city's database of property tax records, the Journal Sentinel identified about 3,300 addresses that appeared to be suspect. From that list, the newspaper randomly selected 200 addresses to check. Each of those addresses was individually checked with city property records and other online databases to determine whether they were valid. The newspaper narrowed the list of suspect addresses to 60 and then had staff members drive to where those addresses should have been. A total of 20 addresses - or 10% of the sample of 200 - were verified as non-existent. In addition, on the initial list of 16,000 voters, the newspaper found five voters registered at addresses that are listed on city records as vacant lots. Also, the new list of registered voters contains 34 instances in which people with the same first name, last name and middle initial are listed twice. Because a new state law prohibits elections officials from releasing the birth dates of registered voters, it was not immediately certain whether those newly registered voters with the same names were the same people, or whether they were different people with the same names. The Journal Sentinel's findings are similar to what state Republicans say they found in reviewing the city's entire list of more than 300,000 registered voters. However, while some of the problems on the master list of registered voters could date back years, the discrepancies found on the list of newly registered voters surfaced in the last six months. <http://www.jsonline.com/news/state/oct04/271150.asp>

Check of ballot requests uncovers problems

Records from the Milwaukee Election Commission show an absentee ballot for Tuesday's election was requested for Robert L. Anderson Jr., who is registered to vote at 3434 W. St. Paul Ave. Two problems: Anderson, a Marine stationed in Hawaii, is not eligible to vote as a resident of 3434 W. St. Paul Ave. because that address is for A&A Transmissions, an auto repair business owned by his father, Robert L. Anderson Sr. State law says you can only be registered to vote at your residence. Anderson is not eligible to vote as a Milwaukee resident because his permanent address, according to his father, is with him - in Muskego... More than 17,500 requests for absentee ballots have been received in Milwaukee, an increase of more than 70% over the 10,017 absentee ballots actually cast in the 2000 presidential election. West Allis, Mequon and Kenosha are among other municipalities where absentee requests have exceeded the 2000 tallies... But with the surge in absentee voting and flaws in the voter registration system, a Journal Sentinel check of absentee ballot requests made in Milwaukee found problems. In all, the Journal Sentinel visited 40 addresses and made other checks of the absentee ballot process. The inquiries also turned up: Joanne Enerson of the 9400 block of W. Concordia Ave. said she and her husband, David, each received two absentee ballots. Enerson said she returned the two extras. Lisa Artison, executive director of the Milwaukee Election Commission, said a couple of double mailings have occurred. Sherika Booker, of the 2300 block of N. 16th St., produced an absentee ballot she received in the mail but said she did not request it. She said she probably would not use it and would instead vote at the polls, though she has not voted before. Artison said the city received a request to mail absentee ballots to Booker for both the September primary and Tuesday's election and did so. Keith Wunrow of the 1700 block of N. Prospect Ave., who lives in Tucson, Ariz., much of the year, is on the permanent list to receive an absentee ballot but hadn't received one as of Thursday. He said the Milwaukee Election Commission told him Wednesday that many absentee ballots have not been mailed. Wunrow plans to return to Milwaukee on Monday, a week earlier than he had planned, so that he can vote in person Tuesday. <http://www.jsonline.com/news/metro/oct04/271146.asp>

OCTOBER 31, 2004

Voters likely to feel they're being watched

From poll watchers to prosecutors to party-sponsored attorneys, Wisconsin residents can expect unprecedented scrutiny when they vote Tuesday. Thousands of poll watchers and attorneys - from the parties, law enforcement agencies and outside groups - will watch the process, and each other. Although both parties say they will have volunteers stationed across the state - and both boast of a lead lawyer in each county - Milwaukee will likely be at the center of it all... Republicans say their poll watchers will have a list of the disputed addresses and will challenge anyone who attempts to vote from them. Democratic groups say they will be there to protect the rights of voters. With some 20,000 new voters registered in the city, Milwaukee wards may become the front lines in what could be a battle over individual votes. Some of the new registrants were questioned by city election officials, who referred them to the Milwaukee County

district attorney's office. Meanwhile, a Journal Sentinel review found that at least two registrars, deputized by the city, are felons and are not legally allowed to sign up voters. It is unclear how many people the two registered ... In the city, some 1,600 paid poll workers will be joined by dozens of volunteer workers, members of Barrett's cabinet and other high-ranking city employees, plus the party-backed poll watchers and poll watchers from outside groups ... In addition, 40 county prosecutors will monitor sites, and the U.S. attorney's offices in Milwaukee and Madison will have lawyers responding to complaints. So will the state Department of Justice. ... Wisconsin has one of the most open voting systems in the country, something officials have pointed to with pride over the years as a reason for the state's traditionally high voter turnout. Where some hail openness, others see laxity and the potential for fraud. Indeed, with no identification required for already-registered voters, and same-day registration available for new ones, it may be easier for a determined person to cheat the system - and harder for officials to catch them. For instance, those who move from one city to another - say Wauwatosa to Milwaukee - could well be listed and vote at both addresses, something a statewide voter list would curb in future elections. Now, someone could vote at a ward using the name and address of someone else already registered, provided they arrive first. And felons could register at the polls and vote, as workers do not have the ability to do on-the-spot background checks. ... "In 2000, we did very little in terms of poll watching and voter fraud and clearly it happened," said Rick Graber, chairman of the state Republican Party. "We'll have the most comprehensive program the party has ever had." Republicans will have attorneys on call in each county and some 5,000 volunteers "on the ground," including those with get-out-the vote efforts. Democrats have their own plans, which are also attorney-heavy: more than 500 attorneys alone are to be involved ... In addition to the parties, other groups will be present, including one financed by the People for the American Way Foundation and a host of others, including labor unions called the Election Protection Coalition.
<http://www.jsonline.com/news/metro/oct04/271189.asp>

Republican Party of Wisconsin (RPW) Chairman Rick Graber released a statement after the announcement of a settlement that, at the urging of RPW, the City of Milwaukee will take an unprecedented step toward preventing fraud and other illegal conduct on election day.

"With today's announcement, Milwaukee city officials are acknowledging a substantial problem exists with thousands of faulty or non-existent addresses currently found on the city's voter registration rolls and they are beginning to deal with it. This resolution offers an additional layer of protection to assure legal voters that their ballot will not be disenfranchised by a fraudulently-cast vote from these bad addresses. Everyone - from the city attorney's office, to the district attorney's office, to city hall, to the State Elections Board, to the *Milwaukee Journal Sentinel* - doesn't argue with the fact that there are problems with the Milwaukee voter registration lists. Every illegal vote is one vote too many. Everything that can be done, should be done to protect the integrity of the election process. We assume the City will now go forward to implement the protections outlined by the State Elections Board. In light of the City's efforts to date, the Republican Party will not formally challenge at the polls on Tuesday the 37,000 individual addresses mentioned over the weekend en masse. Of course there may still be challenges pursuant to Wisconsin Statutes on election-day and, in the case of a recount, all faulty or phantom registrations will almost certainly be the subject of scrutiny."

NOVEMBER 1, 2004

Artison now at center of flap over voter registration cards

As the executive director of the Milwaukee Election Commission, it's Lisa Artison's job to ensure everything runs smoothly in today's election. Yet in recent weeks, the commission has been at the center of controversy, first over how many ballots it needed, then over whether newly registered voters were listing nonexistent addresses. Mayor Tom Barrett has accused Republicans of stirring up those controversies to disrupt voting in the largely Democratic city. On Monday, however, Barrett admitted Artison's staff had not processed 15,000 to 20,000 voter registration cards from newly registered voters. Barrett didn't learn about the backlog until Monday, when he ordered other city staffers into the election office in a last-minute push

to get the job done before voters show up... Besides questions about her qualifications, observers wondered whether her job was a payoff for work by her and her husband, radio talk-show host Eric Von, on Barrett's campaign... From April 1999 to June 2000, Lisa Artison was executive director of the Milwaukee County Community Justice Day Reporting Center, then a new program for non-violent female offenders. That period was marked by controversy over a move to the west side and questions about the number of women who either failed to show up or were kicked out. <http://www.jsonline.com/news/metro/nov04/271618.asp>

State workers helped in race to add voters to Milwaukee rolls

(Reported Nov. 4, 2004) Gov. Jim Doyle contributed a squad of state employees to a frenzied effort to add thousands of new names to Milwaukee voter rolls in the hours before Tuesday's election, joining Milwaukee Mayor Tom Barrett, his family, friends and top staffers... Worried about thousands of unrecorded new voter registrations in Milwaukee, Doyle provided about a dozen state employees, some based in Madison and others in Milwaukee... They were dispatched to City Hall to help Barrett finish a job the city Election Commission had not completed less than a day before the polls opened. The drama played out the same day both President Bush and Massachusetts Sen. John Kerry held rallies downtown... According to Doyle spokesman Dan Leistikow, Doyle "was concerned that potentially tens of thousands of voters could be disenfranchised at the polls because their voter registration forms could not be processed," Leistikow said. The governor also was concerned that Wisconsin not "be the next Florida," he said, referring to the dispute over that state's presidential vote in 2000... Doyle and Barrett were state co-chairmen of Kerry's presidential bid... The state workers joined a hastily recruited pool of 50 or more people - including the mayor himself - to pull what amounted to an all-nighter to get the job done... The effort was more extensive than previously acknowledged by Barrett or city staffers. When he discussed the problem Monday, Barrett initially said that more than 1,000 registrations needed to be processed. Ultimately, he put the figure at 15,000 to 20,000... On Thursday, Lisa Artison, executive director of the city Election Commission, said she wasn't aware that state employees had been part of the troop of extra workers who pitched in to help her staff get the job done at the last minute. "People were volunteering to help, and you don't stop them at the door to ask them where they came from," Artison said... On Monday, it was too late to meld the new registrations into the official voter rolls for Tuesday's election, so the registration forms were sorted by ward, alphabetized and then delivered by various volunteers to the appropriate polling places before the polls opened at 7 a.m., Curley said... Chris Lato, spokesman for the state Republican Party, said the volunteer operation with Barrett and others processing registration forms was "bizarre and awfully slapdash... There's a mess there, and it's time the mayor get serious about cleaning it up,"... Barrett appointed Artison to her job last summer. <http://www.jsonline.com/news/metro/nov04/272598.asp>

City employees race to record 20,000 voters

Milwaukee officials scrambled late Monday to record voter registration information for up to 20,000 people, a major last-minute problem that had threatened to force thousands of new voters to re-register. Mayor Tom Barrett acknowledged he learned Monday that a significant number of new voter registrations had not been processed because elections officials were swamped. "We responded to this discovery quickly and aggressively," Barrett said in a written statement Monday night. "All new voter registration information will be at the polls Tuesday morning." Three dozen to four dozen city employees worked throughout the day and much of the evening to record the registrations, and by 9:30 p.m., all had been completed, said Barrett's chief of staff, Patrick Curley... Barrett only acknowledged the embarrassing scramble when questioned about it during a news conference, initially saying only "well over a thousand" cards had not been entered onto voting lists. The situation prompted harsh criticism from Milwaukee aldermen and groups that organized massive voter registration drives to help Democrat John Kerry unseat President Bush. It also prompted attorneys for Kerry to file a complaint with the state Elections Board, perhaps laying the groundwork to contest voting procedures and results in one of their most unlikely places: Democratic Milwaukee, a city where the mayor is co-chair of Kerry's state campaign. The revelation came in the wake of an agreement - still in place late Monday - that calls for poll workers to seek identification from anyone trying to vote from about 5,500 addresses, which the state Republican Party has identified as non-existent buildings. Chris Lato, a spokesman for the state Republican Party, labeled the situation a "mess of

Nov. 2. The voters did their job by mailing in the ballots before the election, but somebody on the city payroll dropped the ball. Per state law, Artison said, the uncounted ballots are in storage and soon will be destroyed ... About 6 p.m. on the hectic election day, Pat Curley, Barrett's chief of staff, wandered upstairs in City Hall to check on the happenings in the Election Commission's offices. Realizing that absentee ballots must be delivered to polling places before voting ended at 8 p.m., Curley said, he asked whether that had been done. Told that there were thousands of completed ballots still sitting at City Hall, Curley raised questions about how they could be delivered on time, he said. "Some staff person said, 'You know, the police used to help us with that,'" Curley recalled Wednesday. He quickly dialed up Chief Nannette Hegerty, who dispatched eight cops in four squads to serve as delivery boys ... The cops did their duty and delivered all of the boxes of ballots before the 8 p.m. deadline, said Sgt. Ken Henning. No ballots, he said, were returned to City Hall. "The officers did not go to other assignments, except to drop them off," Henning said. So, you may be wondering, why are there 238 uncounted absentee ballots still sitting in Artison's office? Artison contends the cops failed to deliver all of the ballots and returned a couple of hundred to her office. "The ballots left the building, and the ballots came back," Artison said. "Certainly, I'm not pleased with that." Henning, however, stood firm and repeated that the police did not return a single absentee ballot to Artison's crew. <http://www.jsonline.com/news/metro/nov04/276184.asp?format=print>

New rules sought for poll watchers

The state's top election official Wednesday called for new rules on what partisan election-day observers can do, saying some improperly questioned voters and one demanded to even sit at the table with poll workers on Nov. 2. A few aggressive backers of both President Bush and Democratic Sen. John Kerry "created some real issues," Elections Board Executive Director Kevin Kennedy told a legislative committee studying possible changes to state election laws ... Officials of the state Republican and Democratic parties said they both held training sessions for their observers. GOP spokesman Chris Lato said about 36 sessions were offered statewide, and members of the party's "election integrity" program attended them. Lato said about the GOP had about 10,000 workers on election day, including those watching for voter fraud and get-out-the-vote volunteers. Democratic Party spokesman Seth Boffeli said his party held nine three-hour training sessions for more than 700 attorneys who helped monitor the polls. Lato and Boffeli both cited examples of what they said was improper behavior by the other side's observers and said they would welcome new, tighter rules clarifying exactly what election observers can do. <http://www.jsonline.com/news/state/nov04/276102.asp>

NOVEMBER 18, 2004

Milwaukee Mayor Tom Barrett announces the formation of an election day task force to review the events surrounding the November election. RPW Chairman Rick Graber sent a letter to Barrett regarding the announcement.

Mayor Barrett,

On behalf of the Republican Party of Wisconsin, we acknowledge your decision to create a task force to review the many problems and concerns surrounding the city's operation of elections as a step in the right direction ... However, it is quite disappointing to see the panelists you have appointed to the task force are closely tied to the city as employees and administration insiders. For example, it is fair to question whether a task force that includes the executive director of the Election Commission can conduct a thorough and critical assessment of the problems in the office she manages. The public deserves a full, independent, waits-and-all accounting of the situation. A task force made up of government insiders is not the best way to instill trust that the end result will truly represent the scope of the problem...

NOVEMBER 21, 2004

Election night crisis swept up firefighters, too

The more info that slips out, the more it sounds like Mayor Tom Barrett's office issued an all-points-bulletin in a panicked attempt to bail out his election chief on Nov. 2. Last week, the city sheepishly

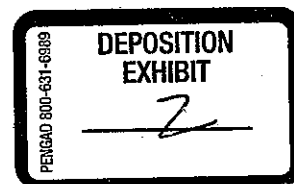
An Investigation into the Removal of Nine U.S. Attorneys in 2006



**U.S. Department of Justice
Office of the Inspector General**



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September 2008

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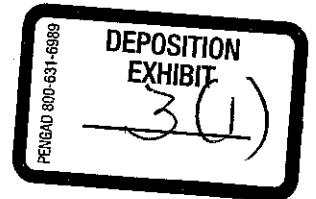
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United States Senate

SELECT COMMITTEE ON ETHICS
HART SENATE OFFICE BUILDING, ROOM 220
SECOND AND CONSTITUTION AVENUE, NE
WASHINGTON, DC 20510-6425

April 24, 2008

The Honorable Pete V. Domenici
United States Senate
Washington, DC 20510



Public Letter of Qualified Admonition

Dear Senator Domenici:

In response to a complaint of improper conduct reflecting upon the United States Senate, the Select Committee on Ethics of the United States Senate issues this Public Letter of Qualified Admonition to you pursuant to Section 2(d)(3) of Senate Resolution 338, 88th Congress, 2nd Session (1964), as amended by Senate Resolution 222, 106th Cong., 1st Session (1999) and its Supplementary Procedural Rules, Rule 3(g)(2).

The Committee's action in this matter addresses your conduct in calling David C. Iglesias, then the United States Attorney for the District of New Mexico, in October 2006 to inquire about the timing of indictments in a pending New Mexico federal grand jury investigation into allegations of public corruption relating to the construction of the Bernalillo County courthouse.

The Committee finds no substantial evidence to determine that you attempted to improperly influence an ongoing investigation. The Committee does find that you should have known that a federal prosecutor receiving such a telephone call, coupled with an approaching election which may have turned on or been influenced by the prosecutor's actions in the corruption matter, created an appearance of impropriety that reflected unfavorably on the Senate.

In making this determination, the Committee relied on general guidance under Rule 43 to avoid communications with a federal agency on a matter in which it is "engaged in an on-going enforcement, investigative or other quasi-judicial proceeding" (*Senate Ethics Manual*, 2003 ed., page 179). The Committee also considered the well-known duty of prosecutors to ensure the fair and impartial administration of justice and the publicity at the time of your call about the

handling of public corruption matters as an issue in the close election contest in the First Congressional District of New Mexico.

On March 7, 2007, the Committee began its review of this matter. In the course of the preliminary inquiry the Committee deposed, obtained sworn affidavits from or interviewed numerous witnesses, including you, Mr. Iglesias, members of your Senate staff, current and former executive branch officials and attorneys, and other private individuals. The Committee reviewed extensive documents and records, obtained through subpoena, by voluntary production, or available in the public record. The Committee also considered several submissions made by you through, or made on your behalf by, your counsel.

In its inquiry into all the circumstances surrounding your October 2006 telephone call to Mr. Iglesias, the Committee considered a number of questions, concerns and factual issues which we do not discuss in this letter because, as previously stated, the evidentiary record did not provide sufficient support for any determination by the Committee beyond that expressed above. We do emphasize, however, that the Committee confined its inquiry to your October 2006 call to Mr. Iglesias, its context and consequences and related actions by you or your office. It was never a purpose of the Committee in this matter to inquire more broadly into actions that may have been taken by others with regard to other United States Attorneys in the fall of 2006.

The Committee specifically notes and took into consideration your March 2007 public statement wherein you stated that:


I called Mr. Iglesias late last year. My call had been preceded by months of extensive media reports about acknowledged investigations into courthouse construction, including public comments from the FBI that it had completed its work months earlier, and a growing number of inquiries from constituents. I asked Mr. Iglesias if he could tell me what was going on in that investigation and give me an idea of what timeframe we were looking at. It was a very brief conversation, which concluded when I was told that the courthouse investigation would be continuing for a lengthy period.

In retrospect, I regret making the call and I apologize. However, at no time in that conversation or any other conversation with Mr. Iglesias did I ever tell him what course of action I thought he should take on any legal matter. I have never pressured him nor threatened him in any way.

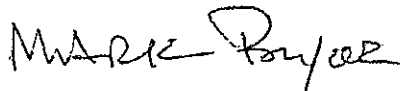
The Committee appreciates your candor.

With this Public Letter of Qualified Admonition, this matter is closed.

Sincerely,



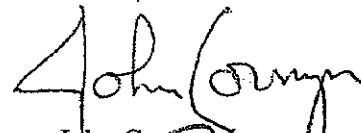
Barbara Boxer
Chairman



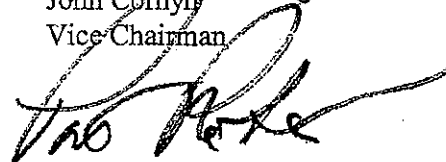
Mark Pryor, Member



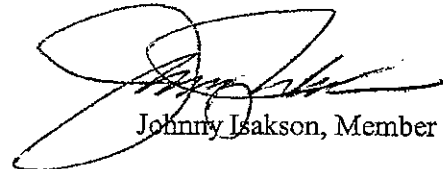
Sherrod Brown, Member



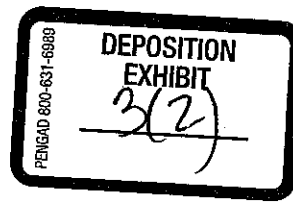
John Cornyn
Vice Chairman



Pat Roberts, Member



Johnny Isakson, Member



1 MR. BHARARA: I want to understand what that
2 assumption was based on and why wasn't it something more
3 than an assumption and wasn't, in fact, knowledge, if I may.

4 First of all, you didn't say it was an assumption.
5 You used the word "know." Correct?

6 MR. SAMPSON: I used the word "know" in a
7 colloquial sense. You know, I have sometimes barged into
8 someone's office and said, "I know you're busy." I didn't
9 really know they were busy. I assumed they were busy, and
10 that's the sense that I used the word "know" in this e-mail.

11 MR. BHARARA: Am I correct that in this e-mail you
12 are talking about a risky proposition, which is using the
13 interim authority to help keep Tim Griffin in office as the
14 U.S. Attorney in Arkansas? Am I correct?

15 MR. SAMPSON: I really don't have anything to add-

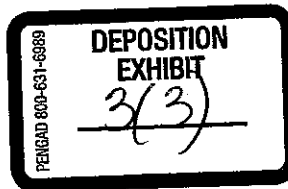
16 MR. BHARARA: I can ask it in a better way. Am I
17 right that--tell me if I understand the point you are trying
18 to make here. Am I correct that you are saying in this e-
19 mail that test driving this authority with Tim Griffin is
20 dangerous enough that you will lose that authority, that
21 authority you testified was important to the Attorney
22 General and that he cared about, it was important enough
23 because you know, according to your words, you know that
24 getting him appointed was important to Harriet and Karl. Am
25 I correct?

1 MR. SAMPSON: I don't think I have anything to add
2 other than what I testified to at my hearing. This was a
3 bad staff idea that ultimately was not adopted by the
4 principals.

5 I think, if I may, in the e-mail I said, and I
6 quote, "but know that getting him appointed was important to
7 Harriet, Karl, et cetera." And I believe that when I wrote
8 this e-mail--which I didn't think a lot about. It was an e-
9 mail. It was as if I was having a conversation. I put
10 "Karl" there because I assumed that it was important to
11 Karl. And to the best of my recollection, I assumed it was
12 important to Karl because I knew from conversations that it
13 was important to Scott Jennings and to Sarah Taylor. But
14 that's the extent of what I knew. I didn't really know that
15 it was important to Karl. I assumed it was because it was
16 important to those two people who worked for him. But when
17 I drafted this letter later in February, I thought to
18 myself, "Do I know that Karl Rove is even interested in Tim
19 Griffin serving as United States Attorney?" And I thought
20 to myself, "I don't even know that."

21 So I drafted it and then sent it to the White
22 House to be sure that it was accurate, and I was not
23 disabused of that notion.

24 MR. BHARARA: So when you wrote the 12/19 e-mail,
25 you were making an assumption--this was reflective of an



And there were four U.S. attorneys who were added to the list sometime there in mid-October, and appeared on the list on November 7, or -- or during that period of time. And they were close cases. They were U.S. attorneys who, for a variety of reasons...

SPECTER: Mr. Sampson, I have your answer. And I need to move on because of the limitation of time.

SAMPSON: Very good.

SPECTER: Are you prepared to swear under oath that no U.S. attorney was asked to resign because the U.S. attorney was pursuing an investigation which you thought was too hot, or was failing to undertake a prosecution which you thought should have been made?

SAMPSON: To my knowledge, that was the case.

SPECTER: OK.

Well, let me turn to the issue as to the candor or truthfulness of the attorney general.

In his press conference on March the 13th, Attorney General Gonzales said that he was not involved in any discussions relating to the issue. But the e-mails show that on November 27th, there was a meeting which Attorney General Gonzales attended which took up the issues or, apparently, discussions on the U.S. attorney appointments.

Was your e-mail correct that Attorney General Gonzales was present at a meeting on November 21st, at which there were discussions about U.S. attorneys?

SAMPSON: I don't think the attorney general's statement that he was not involved in any discussions about U.S. attorney removals is accurate. And...

SPECTER: Is what? Is accurate?

SAMPSON: I don't think it's accurate. I think he's recently clarified it.

But I remember discussing with him this process of asking certain U.S. attorneys to resign. And I believe that he was present at the meeting on November 27th.

SPECTER: So he was involved in discussions, contrary to the statement he made at his news conference on March 13th?

SAMPSON: I believe yes, sir.

SPECTER: In the limited time I have remaining, I want to come to one final issue from this round. And that is the question of whether there was a calculation by the Department of Justice to use this new provision in the Patriot Act to avoid Senate

confirmation or **Senate** scrutiny on replacement U.S. attorneys.

Without going into it now, because I have no time left but want to finish the question, isn't it true, as these e-mails suggest, that there was a calculation on your part and the part of others in the Department of Justice to utilize this new provision to avoid confirmation by the **Senate** and to avoid scrutiny by the **Senate** and to avoid having senators participate in the selection of replacement U.S. attorneys?

SAMPSON: Senator, that was a bad idea by staff that was not adopted by the principals.

I did advocate that at different times. But it was never adopted by Judge Gonzales or by Ms. Miers or any of the...

SPECTER: But it was adopted. It was your idea -- at least your idea, according to the e-mails.

SAMPSON: I recommended that at one point.

SPECTER: But you're saying that others didn't adopt it?

SAMPSON: I was the chief of staff, and I made recommendations of different options that the decision-makers might pursue. And I did recommend that at one point. But it was never adopted by the attorney general.

SPECTER: Was it ever **rejected** by the attorney general or Ms. Miers?

SAMPSON: It was **rejected** by the attorney general. He thought it was a bad idea and he was right.

SPECTER: Do you have an e-mail or any confirmation of that rejection?

SAMPSON: I didn't communicate with the attorney general by e-mail, so I don't.

SPECTER: Well, I'll pick this up in the next round. I think there's a lot more to it from the e-mails, which I'll get into in detail.

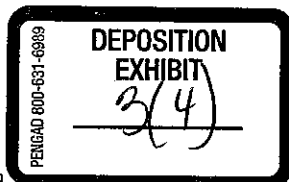
LEAHY: Thank you, Senator Specter.

I'm somewhat boggled because that's exactly the provision of the **Patriot Act**, now been repealed by the Congress, that was used. It was an idea never adopted by anybody. Somehow miraculously it was used, at least for eight of these U.S. attorneys.

Senator Schumer?

SCHUMER: Thank you, Mr. Chairman.

Again, Mr. **Sampson**, let me thank you for coming here voluntarily. I think that's most appreciated.



GONZALES: Why would we send her communications about immigration? Because there was concerns about her numbers.

SCHUMER: Is it general policy of the Department of Justice when they have problems with a U.S. attorney to let a Congress member tell them something is wrong or is the department supposed to communicate directly with the U.S. attorney?

GONZALES: Here's what I'll say: I think we should have done a better job in communicating with Ms. Lam. I think we should have done a better job in communicating with all of these United States attorneys. I've already conceded that, and that's one of the things that we're going to institutionalize moving forward.

SCHUMER: But, sir, the issue goes beyond that. It goes to who is telling the truth around here.

(CROSSTALK)

SCHUMER: You are saying -- you said a minute ago she was told. She is saying, Kyle Sampson is saying, she was not told.

It's beyond doing a better job. It's getting to the real truth in a hearing where you've had a month to prepare, where all of these things are public. It's a key question and it's still an answer that contradicts what others have said, but I'm going to move on because I have limited time.

This is about another issue. There's a real question raised by this investigation about whether you and the Department of Justice intended to bypass the **Senate's** role in confirming the U.S. attorneys. It relates to the law that Senator Feinstein passed and all but two of us in the **Senate** voted for.

And equally troubling, as I mentioned, there's a real question about whether you were honest with the members of Congress about your intent. And this is a serious matter.

GONZALES: I agree, Senator.

SCHUMER: So let me -- to emphasize how serious -- I want to read to you what Senator Pryor had to say on the floor of the **Senate** about his interactions with you as...

GONZALES: Can I see his transcript?

SCHUMER: Yes, but I'll read it.

SCHUMER: It's very clear. And I'm sure you know it, his searing words, as you will hear.

GONZALES: I would like to see it.

SCHUMER: We'll get it to you.

As everyone here knows, Senator Pryor is one of the most temperate members of the **Senate**. He's mild-mannered, and his words are all the more striking for that reason. He said, quote, "The attorney general not only lied to me as a person but, when he lied to me, he lied to the **Senate** and he lied to the people I represent."

I spoke to Senator Pryor yesterday. He stands by those words.

Now, Kyle Sampson wrote that -- wrote to Harriet Miers last September -- that's what he wrote -- he wrote that they wanted to do this plan of getting around the **Senate** and appointing interim U.S. attorneys.

And he also told Congress that the White House never rejected the idea of evading the **Senate** confirmation in the Eastern District of Arkansas.

According to Kyle Sampson, you became aware of this idea or plan in early December of 2006. He told you about it; you did not reject it.

Then on December 19th, Kyle Sampson is promoting this astonishingly perverse plan. He's going forward with it.

And this poster which we have here -- and I'll get you a copy of what it says -- shows it. Sampson's advice to the White House is, quote, "We" -- we, meaning the department -- "should gum this to death, to run out the clock."

He lays out a specific plan for running out the clock: The Department of Justice should ask Arkansas senators to meet Tim Griffin, give him a chance; after that, the administration to pledge to desire a **Senate**-confirmed U.S. attorney and so forth.

The plan was to use these tactics of delay so Griffin could stay in, without **Senate** confirmation, until the end of the president's term.

But now, four days before Kyle Sampson sends that plan, you personally talked with Senator Pryor. Kyle Sampson testifies that he was in the room -- you talked to him twice, he was in the room on one of those occasions -- about Tim Griffin.

Kyle Sampson says you talked with Senator Pryor two times. He was in the room. And you said to Senator Pryor that you wanted to go through a **Senate** confirmation. This is in December.

GONZALES: Yes.

SCHUMER: Well, what would you think if you're in Senator Pryor's shoes? There's a plan to circumvent U.S. attorneys early in December. You go along with that.

GONZALES: I didn't go along with it.

SCHUMER: On December 19th, a memo was sent to implement it. Yet, on December 15th, you're on the phone with Senator Pryor saying oh, no, no, you're going to get confirmation.

So, which is it? Again, did Kyle Sampson put out this memo completely on his own?

GONZALES: Senator...

SCHUMER: And if he did -- I mean, you can't have it both ways. If your chief of staff is implementing a major plan that contradicts what you just told the U.S. senator from that state, in my view, you shouldn't be attorney general.

And if, on the other hand, what you said to Senator Pryor contradicts the plan, you also shouldn't be attorney general.

Can you explain what happened here?

GONZALES: Yes.

SCHUMER: Because I am totally sympathetic with what Senator Pryor said.

GONZALES: Mr. Sampson also testified, 15 to 20 times, in various ways, that I either rejected this plan; I never liked this plan; I thought it was a bad idea; never considered it; would not have considered it.

SCHUMER: No, he said that you did know about it.

SCHUMER: He told you about it.

GONZALES: Senator...

(CROSSTALK)

GONZALES: ... he said I either rejected it, didn't like, thought it was a bad idea, wouldn't consider, didn't consider it.

SCHUMER: OK. Then he went ahead, when you didn't like the plan, on December 19th?

GONZALES: Senator, I...

SCHUMER: That was later that you didn't like the plan.

Kyle Sampson said in December you had no rejection of the plan. But let's even assume you didn't like it.

What are we to think, as U.S. senators? You don't like a plan. Your chief of staff, the man in charge of everything, even though you are saying, "Don't do this plan," puts out something to go ahead and go forward.

Who's running the department?

GONZALES: Senator, I wasn't aware of this e-mail.

But, again, I want to be very, very clear about this. I never liked this plan.

SCHUMER: You never liked the plan, and your chief of staff four days after you assure Senator Pryor otherwise, puts out a detailed, step-by-step process on how to implement the plan.

Does that indicate someone who's running the department?

GONZALES: Senator, Mr. Sampson has testified that this was a bad idea. And it was a bad idea. And it was never accepted not only by me, but he also testified as to the principals.

SCHUMER: Mr. Sampson said it was a bad idea in retrospect in February in March. In December, he was going full bore ahead with the plan, as the memo you've just been shown shows.

GONZALES: And he's also testified, if we're going to go on his testimony, that this is a plan I never liked, that I rejected it...

SCHUMER: No. That is not what he testified to, sir. Go look at the transcript. In December, he says, you did not reject the plan when he talked to you about it.

GONZALES: Sir, I don't recall the exact time frame. But he also said that I never liked this idea. I didn't consider it and wouldn't consider it.

LEAHY: Gentlemen.

SCHUMER: I would just say, sir, that it defies credulity that your chief of staff four days after you tell somebody you're going one way goes exactly the opposite way...

LEAHY: Senator...

SCHUMER: ... and says that you never rejected the plan when you say you did.

Thank you, Mr. Chairman.

LEAHY: Obviously, though, you accepted the use of the provision in the Patriot Act to **replace** a number of senators (sic). And now, in probably the strongest bipartisan vote I've seen in the **Senate** in years, we've voted to remove that from the Patriot Act.

GONZALES: Senator, if you look at the record, the reauthorization of the Patriot Act was March 9. The administration has nominated to virtually all these vacancies. We are pursuing, and have been pursuing and respecting the role of the **Senate**. And I take issue with Senator Schumer's characterization.

LEAHY: Well, we'll go -- we will go back to that. And we have been -- Senator Graham has been waiting patiently.

But I would note that when you talk about sending up nominations for these vacancies, you send two nominations, 21 vacancies. That's one out of 10.

GONZALES: Senator, sometimes it's because we have to wait for recommendation of home state senators. So let's look at their performance as well.

LEAHY: Sometimes I think one would look for the possibility of a nomination before they start firing people. But...

GONZALES: We want to continue working with the Senate.

GRAHAM: Thank you, Mr. Chairman. Is it my turn?

LEAHY: I'll let that one go. We have a difference of opinion.

(LAUGHTER)

Go ahead, Senator Graham.

GRAHAM: Well, let's make sure that we understand the two things we're talking about, in terms of plans.

One plan was to get rid of all 93 U.S. attorneys at once. Is that correct?

GONZALES: Sir, I don't know if I would call it a plan. It was an idea that was raised.

GRAHAM: OK. And it was shot down?

GONZALES: That is correct.

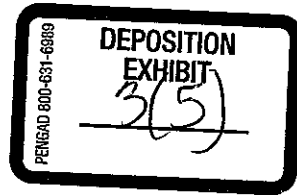
GRAHAM: OK. Now, this plan that you were talking about with Senator Schumer involves what?

GONZALES: It was -- as I understood it, what I expected Mr. Sampson to do was coordinate a review of all U.S. attorneys and make an evaluation, make a recommendation to me, as to where there were issues of concerns of particular U.S. attorney districts where it may be appropriate to make a change to benefit -- for the benefit of the department.

GRAHAM: Well, this December memo that he's talking about, or e-mail -- what's the point there?

From your point of view, how do you reconcile the conversation with Senator Pryor in the e-mail?

GONZALES: Senator, it's difficult for me to reconcile the conversation. All I know is what I communicated to Senator Pryor, in good faith.



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 28, 2007

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Linda T. Sanchez
Chairwoman
Subcommittee on Commercial and
Administrative Law
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman and Madam Chairwoman:

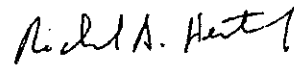
The Department of Justice has received a number of inquiries from congressional staff relating to the Department's letter of February 23, 2007, which I sent in response to a letter of February 8, 2007, from Senators Reid, Durbin, Schumer, and Murray. On review, it appears that certain statements in the February 23 letter are contradicted by Department documents included in our production in connection with the Committees' review of the resignations of U.S. Attorneys. We sincerely regret any inaccuracy.

As explained in the letter that accompanied our production on March 19, 2007, and in our letter of March 26, 2007, the Department has provided deliberative documents concerning the preparation of the congressional testimony by Department officials on the resignations of the U.S. Attorneys out of concern that Department officials may have provided inaccurate or incomplete information on those occasions. Because of the apparent contradiction between the February 23 letter and Department documents included in the production, we now conclude that the same reasoning applies to the Department's internal documents reflecting the preparation and transmittal of the February 23 letter. Accordingly, I enclose with this letter an additional 202 pages from the Office of the Attorney General, Office of the Deputy Attorney General, and Office of Legislative Affairs (Bates numbers OAG000000958-OAG000001050, DAG0000002228-DAG0000002293, and OLA000000001-OLA000000043). These documents reflect the preparation and transmittal of that letter. They include minimal redactions of personal information.

The Honorable John Conyers, Jr.
The Honorable Linda T. Sanchez
Page Two

We hope that the enclosed information is helpful. We will continue to review the materials we have collected to determine if additional disclosures are warranted. Please do not hesitate to contact this Office if you would like to confer about this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard A. Hertling". The signature is fluid and cursive, with the first name "Richard" and last name "Hertling" clearly distinguishable.

Richard A. Hertling
Acting Assistant Attorney General

Enclosures

cc The Honorable Lamar Smith
 The Honorable Christopher Cannon